

THE ROOTS OF EVIL





John Howard visiting a Prison

Engraving by J. C. St. Omer

THE ROOTS OF EVIL

BEING A TREATISE ON THE METHODS OF
DEALING WITH CRIME AND THE CRIMINAL
DURING THE EIGHTEENTH AND NINETEENTH
CENTURIES IN RELATION TO THOSE OF A
MORE ENLIGHTENED AGE

BY THE HON.

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CONTENTS

CHAP.		PAGE
	PREFACE	ix
	INTRODUCTION	i
I	THE UNTILLED SOIL	ii
II	THE SOWING OF THE TARES	53
III	THE SEARING OF THE LEAF	71
IV	THE FORCING HOUSE OF CRIME	94
V	THE DISSEMINATION	129
VI	FRESH FIELDS	153
VII	THE GOOD HUSBANDMEN	202
VIII	THE PURGING OF THE SOIL	258

LIST OF ILLUSTRATIONS

JOHN HOWARD VISITING A PRISON	<i>Frontispiece</i>
From a painting by F. Wheatley, 1870.	
THE LAMENTABLE FALL OF MADAME GENEVA	<i>to face page</i> 20
From a satirical print published by E. Foster, 1868.	
JACK SHEPPARD ON THE WAY TO EXECUTION	,, „ 48
From pictures by W. Clarke.	
THE "CHARLIES"	„ „ 56
From a water-colour by J. A. Atkinson	
EXECUTION AT TYBURN	„ „ 136
From a picture by Hogarth.	
THE PRISON SHIP	„ „ 168
From a picture by E. W. Cooke.	
MRS. FRY IN NEWGATE	„ „ 234
From a print by R. Dighton.	
THE RAW MATERIAL OF TO-DAY	„ „ 268
From a drawing by the Author.	

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PREFACE

SEEING that the appetite of the reading public for the consumption of books dealing with the detection of crime appears to be insatiable it occurred to the author of this volume that, if the catching of the thief is a subject which makes so wide an appeal, possibly also the making of the thief, his treatment and even his reformation—kindred subjects which in their importance should have a far more serious claim upon the attention of the ordinary citizen—might prove a not unprofitable study.

It is noteworthy for how long in our domestic history these vital matters were neglected, not only by the general public, but by those whose duty and whose obligation it was to devote their attention to them. Only in quite recent times has the treatment of the malefactor become rational and humane. The subject should make a compelling appeal to the present generation that seems to have been born with a far keener sense of its responsibilities and its mutual obligations than any of its predecessors.

I readily admit that an author who is bold enough to select a theme which is both historical and technical and who in addition has sufficient confidence to express thereon his own views, which may or may not be in conflict with those of the accredited experts, is under some obligation to his readers to offer an excuse or at any rate an explanation for his temerity.

Inadequate as my qualifications may be for the task

P R E F A C E

I have set myself, it concerns a problem in which I have for long taken the keenest personal interest. When I was first elected to Parliament I had intended to regard the welfare of the youth of this country as one of my preoccupations. As I explain in the text that follows, I have always held the view that the treatment of the young offender is one of the most important matters under this heading. But my ambition was to a considerable extent frustrated. For nearly five years out of the twelve that I was a Member of the House of Commons it was my fate to devote time and industry to the question of the reform of the Indian Constitution, during three years on the Royal Statutory Commission (commonly known as the "Simon Commission"), and during eighteen months on the Joint Select Committee of both Houses of Parliament dealing with the same question, and, although I hope my contribution to the final result was not negligible, it proved a long and serious interruption to the work I had planned to make my especial province. Nevertheless, I was able, to the extent of my vote and my part in debate, to make myself responsible on various occasions for legislation on those Home Office and Educational questions which in minor official capacities, I have since been responsible for administering.

For the rest I must leave the reader to judge whether I have yet sufficiently graduated in the subject to have any claim upon his attention.

For the history with which I deal in the following pages I have drawn in varying degrees and extent, amongst others, upon the following authoritative works and State Papers :

Sir Evelyn Ruggles-Brise—*The English Prison System.*
Arthur Griffiths—*Chronicles of Newgate.* 1812.
Vilette's *Annals of Newgate.*

P R E F A C E

Muralt's *Letters on the English*.
Andrew's *Eighteenth Century*.
John Howard's *On the State of Prisons*, with Appendix thereto.
Colquhoum—*Works on Prisons and Police*.
Fielding—*Late Increase of Robbers*.
Malcolm's *Manners and Customs of London*.
Anecdotes of London in the Eighteenth Century.
Miller's *Eighteenth Century*.
Aitken's *Life of John Howard*.
J. B. Brown's *Life of John Howard*.
Rev. T. Field's *Life of John Howard*.
Mrs. Fry's *Journal*, by her two daughters.
Mark's *Tyburn Tree*.
Sir T. Fowell Buxton—*An Inquiry whether Crime and Misery are produced or prevented by our present System of Prison Discipline*.
1818.
Account of Prisons at Ilchester and Bristol. 1818.
Melville Lee—*A History of Police in England*.
F. W. Maitland—*Justice and Police*.
E. Carpenter—*Prisons, Police and Punishment*.
Pike's *History of Crime*.
Laurie's *Newgate Calendar*.
Lecky's *History of the Eighteenth Century*.
Charles Hitchin—*On the Discovery of the Conduct of Receivers and Thief Takers*. 1818.
James Neild—*On the State of Prisons in England, Scotland and Wales*. 1812.
Stow's *Surveys of London*.
Sir J. Jebb—*Life of W. Crawford*.
William Forster's *Life of Sir G. Grey*.
Mrs. Creswell's *Life of Elizabeth Fry*. 1845.
Susannah Corder's *Life of Elizabeth Fry*. 1853.
Mrs. Fry's *Observations on Family Prisoners*. 1827.
Eden Hooper—*Newgate and the Old Bailey*.
Sir E. Du Cane—*Punishment and Prevention of Crime*.
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P R E F A C E

Misson's *French Traveller*.
Sir J. Stephen's *History of Criminal Law*.
Andrew's *Highwaymen*.
B. de Mandeville's *Enquiry into the Causes of Frequent Executions, etc.*
C. Oake's *Life of Sir Samuel Romilly*.
Defoe's and Fielding's *Life of Jonathan Wild*.
“Chronicon Newquissimus,” *Life of Jonathan Wild*.
Life of Jonathan Wild, Anonymous. 1830.
Fletcher's *Account of the Police of the Metropolis*.
Eden's *State of the Poor*.
Edward Gibbon Wakefield—*On Prisons*.
William Smith—*On the State of the Gaols in 1776*.
B.L. of Twickenham's *Description of Newgate*.
Mrs. Le Mesurier—*Boys in Trouble*.
David Collins—*Account of the English Colony in New South Wales*.
A. Phillip—*Voyage of Governor Phillip to Botany Bay, 1790*.
James Bonwick—*First Twenty Years in Australia*.
Merivale's *Lectures on Colonisation*. 1861 Edition.
J. O'Hara—*History of New South Wales*. 1817.
J. Oxley—*Historical Account of the Colony of New South Wales*. 1821.
Archbishop Whately—*Thoughts on Secondary Punishment*. 1832.
Howell's *State Trials*.
Parliamentary History, Vol. VIII.
Marion Phillips—*A Colonial Autocracy*.
Extracts from letters of James Backhouse—*Visit to Van Dieman's Land and New South Wales*. 1838.
Thomas Reid—*Two Voyages to New South Wales and Van Dieman's Land*. 1822.
H. Montgomery Martin—*Secondary Punishments Discussed*. 1835.
Report of the Association for Improvement of Prison Discipline in 1815.
Committee of Inquiry into London Prisons, *Journals of House of Commons*, Col. 21 (1728-9).

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1816.
Select Committee of the House of Commons on Secondary
Punishment, 1831.
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Gaols and Houses of Correction in England and Wales,
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Report from Committee of House of Commons on the King's
Bench, Fleet and Marshalsea Prisons, 1813.
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The Departmental Committee, 1894. Inquiry into the
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INTRODUCTION

TOWARDS the end of the eighteenth century there lived in the neighbourhood of Red Lion Street, Whitechapel, a worthy young couple of the not very distinctive name of Jones. The husband was making a competence in a small line of business adequate to meet their domestic obligations, which included the upbringing of two infant children. His wife, Mary, was a model of all the domestic virtues. Exceedingly attractive in appearance, with a wealth of auburn hair and of a countenance so frank and pleasing as in itself to proclaim her virtue, she was occupied in nursing a newly-born child when the felicity of this modest but contented household was disturbed by the forcible entry of the Press Gang, one of the vilest institutions of an iniquitous age.

It would be difficult to overestimate the devastation which so rough and ready a form of conscription inflicted upon the family life of England at this period, by forcing industrious labourers and thrifty tradesmen into the two services against their inclination and, after jeopardizing whatever prospects were held out to them in their normal avocations, by turning them adrift as soon as the ship to which they were consigned was out of commission, or the regiment in which they had been compelled to enlist had no further need of their services. It is one of the enigmas of history that such an outrage against the liberty of the subject obtained so long, especially in view of the fact that it failed to provide

INTRODUCTION

either the requisite numbers or the appropriate quality for the fighting forces of the Crown. Indeed, so unsatisfactory was the result that men impressed into the army were often encouraged by their officers to desert.

This infamous system was no doubt responsible for many a young wife, robbed by the State of her husband, discarding the obligations of the marriage vow. In the case of Mary Jones the impressment of her husband produced results far more distressing than conjugal infidelity.

In vain she pleaded in an anguish of tears with the inexorable myrmidons of the law. In vain she protested her circumstances. Hardened by the vicious system of which they were the agents they turned a deaf ear to her supplications. Even had they been of a more considerate disposition, the exigencies of the political situation rendered a drastic conscription essential. The Government at this psychological moment had taken alarm at the Spanish claims to the Falkland Islands which seemed to make war inevitable and required reinforcement for the Navy at whatever cost to individual convenience.

The young wife found herself bereft of all means to support her infant family, completely destitute and neglected. So long as the activities of the Press Gang endured there was never at any time the smallest effort made by the State to compensate wives for the loss of the breadwinner thus forcibly abducted from the domestic hearth. Moreover, there were in those days few, if any, privately organized benevolent institutions which could have proffered a helping hand to the victims of such contingencies. Mary Jones had to face the future alone with the responsibility of rearing two immature children without any visible means of subsistence. Before long she found herself in need of bedding, clothing, fuel

INTRODUCTION

and food. The house was bare of the very first necessities of life. But with commendable self-restraint she resisted all temptation to barter what she prized as much as the lives of the children—the faith which she had plighted to her husband.

One luckless morning, half-starved and in the depths of despair, staggering forth into the street she entered a milliner's shop. A few small pieces of worked muslin were displayed upon the counter. Her hand, stretched forth in a fit of aberration, to take these trifles, was seized by the shop assistant. Before her offence, crime it could hardly be called under the circumstances, was even completed, the minions of the law were summoned and proceeded forthwith to arrest the culprit. That evening Mary Jones was incarcerated in Newgate. There in a noisome dungeon she found herself in the companionship, night and day, of women in every stage of profligacy and degradation. In due course she was brought to her trial. The pathetic story was recounted to an audience hardened by the constant repetition of such experiences, and to a tribunal that operated on the system that all criminals were much alike and that the gallows was the most efficacious cure for crime. She herself was being tried upon a capital charge. One hundred and fifty years ago, incredible as it may now seem, the punishment for a woman purloining a small piece of muslin, whatever might be the extenuating circumstances, was hanging upon Tyburn Tree.

When asked what she had to say in her self-defence she replied : "I have been a very honest woman in my lifetime. I have two children. I have worked very hard to maintain them since my husband was pressed. I have lived in credit and wanted for nothing until the press gang came and stole my husband from me, but since then I have had no bed to lie upon. I might have

INTRODUCTION

done something wrong for I hardly knew what I did." Her defence was fully corroborated. The Jury, no doubt wearied of an oft-told tale, with little hesitation brought in a verdict of guilty. Thereupon the wretched girl, actuated by pent-up feelings which all the misery she had undergone induced, with the cries of her starving children ringing in her ears, beside herself, as well she might be under the circumstances, broke through the bonds of her natural modesty. Springing to the front of the dock, oblivious of the consequences, she apostrophized the Judge with opprobrious names, which the subsequent proceedings testified that he richly deserved. This loss of self-control sealed her fate. Such an affront to the dignity of the law, embodied as it was in the person of a Judge who rated it higher than the quality of mercy, belonged in his eyes to the class of offence impossible to be forgiven. It was doubtless in his power that she should be reprieved. It was her first offence. But all chance of escaping the supreme penalty of the law had evaporated in that wild cry of hers from the dock at the conclusion of her trial. She was re-conveyed to the place from whence she had come, the place in all the world least appropriate for those who would spend their last hours in prayer and meditation. Amid scenes of indescribable debauchery, the stone walls of the condemned cell echoing to the unrestrained language and ribald laughter of murderers, thieves and prostitutes, suffering terror and torment to body and soul, this innocent victim of a ferocious law endeavoured with what success she could command to concentrate upon her awful fate, to prepare herself for the inevitable end, and to entreat for that mercy in the next world which she had failed to find in this.

Her neighbours in Whitechapel raised a petition on

INTRODUCTION

her behalf, but the Judge, a fit agent to dispense such a travesty of justice, nursing the affront to his dignity, declined to relent. Upon the appointed day, the 16th October, 1771, Mary Jones set out towards her calvary in a wretched cart along those dread three miles, through an avenue of the lewdest of mankind influenced by an unnatural craving to gloat upon the predicament of a less fortunate fellow-creature. It is recorded that she displayed amazing fortitude throughout the indescribable tribulation which was the common lot in those days of the malefactor condemned to public execution, until the very moment when the cart was withdrawn, leaving her body swinging lifeless upon the triple tree.

In the same month twenty-two years later another woman, born in a very different station of life from that to which Mary Jones belonged, was conveyed in a tumbril through streets swarming with as lewd a crowd as execrated Mary Jones, to the place of her execution.

The fate of Marie Antoinette is responsible for one of the most oft-quoted phrases of the most oft-quoted writings in English literature. "I thought ten thousand swords must have leaped from their scabbards to avenge even a look that threatened her with insult. But the age of chivalry is gone." So Edmund Burke wrote of the French Queen. He was a Member of Parliament when Mary Jones was executed, and when hundreds of English men and women were suffering the extreme penalty for equally trivial offences, but there is no evidence that her piteous fate evoked any remonstrance from so influential a source. Surely he might have spared some of his rhapsodical outbursts which he voiced for an alien queen, martyred in the name of Revolution, for a wretched fellow-citizen martyred in the name of our statute law. It is quite true that Edmund Burke denounced the criminal code as abominable, and made jokes

INTRODUCTION

about the multiplication of capital offences. It is quite true that he did on one occasion casually mention the subject of our prisons to his constituents, but that was exclusively upon the abuse of imprisonment for debt. "As we grow enlightened," he said, "the public will not bear for any length of time, to pay for the maintenance of whole armies of prisoners, nor, at their expense to keep jails as a sort of garrisons." He was a false prophet. For at least another half-century of "enlightenment" the public bore the burden of this wasteful expenditure.

Historians may differ as to what extent the royal house of France deserved its fate—but through all the ages there can be only one opinion on what was correctly described in Parliament by one of Mary Jones's contemporaries. "I do not believe," said Sir William Meredith, "that a fouler murder was ever committed against the law than the murder of this woman by the law."

We who live in an age of clemency may well pause to inquire how it came about that the reform of our criminal code and the purging of the ghastly dungeons, which served as prisons both in London and the provincial towns, found few if any champions in the Legislature during the eighteenth century. The first part of the answer may very well be that it was only in the nineteenth century that Parliament began to concern itself with social and domestic reform. In the eighteenth century the illustrious statesmen who are held up by historians to posterity as models of all the virtues, for the most part concerned themselves with and achieved renown in the waging of dynastic wars, and the sustaining of diplomatic struggles with their opposite numbers on the Continent. If a list of Prime Ministers and Secretaries of State from the Premiership of Sir Robert Wal-

INTRODUCTION

pole until the Premiership of Earl Grey were examined, few names will be found that can be associated with any conspicuous measures of social reform. Even in the reign of Queen Victoria her first Prime Minister is recorded to have exclaimed : " Oh if you would only have the goodness to leave the factory children alone." Lecky, the historian *par excellence* of England in the eighteenth century, finds social reform so little characteristic of the epoch, that he devotes to the subject but an exiguous space out of a total of four thousand eight hundred pages, and is careful to explain that William Pitt the Younger showed very little real superiority outside the Parliamentary arena. " The great social problems arising from the sudden development of the factory system which began in his time, never appear to have for a moment occupied his thoughts."

Their deeds and accomplishments recorded upon sumptuous cenotaphs which obliterate the graceful lines of Westminster Abbey, and throw out of balance the majestic proportions of St. Paul's, bear testimony to the fact that the statesmen and diplomatists of the eighteenth century made England feared among the nations of the world, but afford no evidence that they supplied any contribution to the moral or physical welfare of their fellow-citizens.

One of the most remarkable phenomena which must impress itself upon the student of the history of England in the eighteenth century, is the position of power and influence which Britain had come to occupy in the councils of Europe, combined with the complete and utter blindness of her statesmen to the detestable conditions in which the poor lived and the flagrant abuses of laws which they were competent to alter but with which they in no way concerned themselves. We are left to judge these distinguished administrators ex-

INTRODUCTION

clusively by the successful conduct of their foreign policy. If their worth was to be assessed by the standard of their domestic policy our glorious fanes might have been spared some of the clumsy memorials that congest their aisles and transepts.

Again, the politician of the eighteenth century was more solicitous to surpass a rival upon his own side or to confound in debate his opponent on the other, than to leave his country better than he found it, idiosyncrasies which are not imperceptible in politicians of a later age. Education, sanitation, the treatment and reform of the criminal, the welfare of the young, were matters with which members of the legislature displayed no inclination to occupy themselves. Arthur Griffiths, in his *Chronicles of Newgate*, attempts to exonerate the legislature: "The neglect of prison reform in those days," he writes, "was not to be visited upon the legislature," but the fact that through all the intervening years ceaseless committees of both Legislatures sat and reported, and that ultimately various measures of amelioration were placed on the Statute Book gives the lie to any such extenuation of this national crime. Both the Executive and the Legislature were to blame. If these reforms could have been sanctioned in 1837 by Parliament they could equally well have been effected a hundred years before by the same agency.

During the preoccupations of continental politics the statesmen who guided the destinies of England found neither time nor indeed evinced any inclination to deal with the glaring abuses that cried out for redress nearer home. But if it was not the fashion of English statesmen of the eighteenth century to indulge in introspection there was no diffidence displayed by them in animadverting upon the shortcomings of other countries.

INTRODUCTION

In the year 1756 the news of an atrocity committed by an Indian satrap caused a thrill of horror to run through the length and breadth of the land which has its reverberations even to this day. Siraj-ud-Dowlah, the young Nawab of Bengal, having captured the fort of the East India Company in Calcutta, confined his English prisoners in a dungeon eighteen feet square, with the result that only twenty-three survived until the following morning. At the moment that his unfortunate victims were fighting over the prone bodies of the dying for a breath of air the Duke of Newcastle was nominally Prime Minister, but William Pitt the Elder, although ostensibly in the subordinate situation of the Secretary of State, was the controlling genius of the Cabinet. It is hardly to be supposed that Pitt could have known or indeed, if he had known, recked anything of the conditions of Newgate and of the provincial gaols, or he and his colleagues might not have been quite so solicitous to condemn Siraj-ud-Dowlah. He had only to explore beneath that famous nose of his to discover barbarities in this country which would have given him little enough sanction to criticize the abuses of less-enlightened governments. After all, the young Bengalee Nawab was, according to our own standards, little more than a savage, educated upon the principle that when you have your enemy in your hands you must crush him. But such was not the ostensible principle upon which the treatment of the delinquent in England was founded, although in effect it was indistinguishable.

The epoch from the dawn of the eighteenth century, to the initiation of domestic social reform in the middle of the nineteenth century, was undeniably an era of great men and of great events in English history. But the superficial reader is apt to be led away by the glamour

INTRODUCTION

of foreign conquests and the sparkle of an intellectual society which has had no equal. A reviewer, criticizing a recent publication, wrote: "Probably there never was a more brilliant society in London than that of the period covered by Lord Chesterfield's long life from 1694 to 1773." Far too many biographies and histories dwell exclusively upon the glamorous side of that period and ignore the deplorable social conditions under which the majority of our people suffered. The information upon which the author bases the contents of the following pages, drawn from the most reliable sources, will reveal to the reader how little justification there is for regretting the vanished glories of a sumptuous age. The social history of England of those times serves to bring out into sharper contrast the hideous evils that degraded the lives of all save the aristocratic few who supplied so much material for the cultured student of art and of literature.

There was not even the excuse that these vile things were hid from the public gaze. Not even ignorance explained the phenomenon. On the contrary they were made as public as the plays of Gay and Cibber, while they drew a much larger and more varied audience.

The social conditions which were mainly responsible for corrupting the young and making criminals out of material which was worthy of a better use, the inefficient system of preventing and detecting crime, the ferocity of the law and its administration, the ghastly condition of our prisons and the treatment of its victims, and the ultimate efforts of the reformers to redress these evils, provide the subject-matter of the following pages.

CHAPTER I

THE UNTILLED SOIL

IT is not an easy task for the historian to draw any very definite conclusions from the fragmentary sources of information available, as to whether the conditions under which the working classes lived during the greater part of the eighteenth century were generally prejudicial to their physical well-being. But although so many different factors have to be taken into consideration, and so difficult is it to compare the standard of values at different stages of national development, yet it may be argued legitimately that before the industrial revolution brought upon the towns the evils of overcrowding, overworking, and under-nourishment, the urban working classes, as far as creature necessities, creature comforts and general conduct of domestic life were concerned, had the advantage over those of a later generation of industrial history, although James Malcolm informs us that "very confined residences destroyed the health of parents and their offspring."

The sources from which reliable information on this particular phase of the national life can be drawn are exiguous for the very sufficient reason that there was not the same solicitude in responsible quarters for the moral and physical health of the working classes as there is to-day. Investigation by royal commissions and committees, the system of inspectorates, had hardly commenced their operation. There is, however, sufficient evidence to indicate that the eighteenth century

THE UNTILLED SOIL

for the most part was a period of almost uninterrupted and ever-increasing prosperity. Not even the American War of Independence could permanently prejudice the well-being of the people. The universal rise in prices accrued to the benefit of the productive classes. Even the agricultural labourer shared in the general amelioration until the wars of the French Revolution dislocated the whole framework of European commerce. We may conclude then that the standard of living was on the whole comparatively high.

But in one respect all the most authentic accounts are agreed—and there is certainly more than sufficient official testimony to vindicate this view—that a general depravity, with hardly any parallel in any other epoch, in any other country, characterized all ranks of English society during the eighteenth century. The attempts to control the evil propensities of the populace by legislation were rare. Although a now happily obsolete school of morals once advanced the view that the endeavour to make people virtuous by legislation is not within the sphere of practical politics, the student of the history of the eighteenth and nineteenth centuries cannot on the evidence accept that thesis. Whenever the attempt has been made by the State to deal drastically with contemporary abuses, the effort has been proved conspicuously successful. It is safe to assert that there was not one of the social evils recounted in the following chapter that could not have been obviated by remedial legislation. Henry Fielding subscribed to this view when he wrote: “The gentlest method I know, and at the same time perhaps one of the most effectual of stopping the progress of vice is by removing the temptation.” That is a proposition that no one can gainsay, but the power to remove temptation from the people resides more effectively in

INFLUENCE OF ROBERT WALPOLE

government than in the private individual, or in any association of private individuals.

The blame for such a condition of things, as is revealed in the chronicles of the eighteenth century, must attach to the government no less than to the so-called governing classes. In its opening phases and for many years to come a Prime Minister whose influence upon public morality was highly questionable and whose influence upon private morality was deplorable, held in his hands the destinies of the people. Of dissolute personal conduct himself, Robert Walpole was hardly qualified to affect for good the general moral standards of his time. It might be argued that, at a period of history when few among the lower classes could read, when there were no newspapers for universal consumption, when that devastating publicity in which those who occupy responsible positions move to-day was comparatively unknown, the importance of those in authority setting an example in their own private lives, so long as their conduct of public affairs was unexceptionable, was not so obvious as it afterwards became. The workers and the apprentices in the industrial districts of the eighteenth century, for example, may not have been aware that King George II kept mistresses with the approval, if not with the connivance of his Queen, and that the Prime Minister, himself living in open adultery and indulging in every sort of excess, regarded the domestic arrangements of this remarkable royal *ménage* with complacency. The influence of the governing class upon the morals of the governed may not have been so direct as it was in the Victorian era, but for good or ill—and during the eighteenth century it was undoubtedly for ill—the influence of those in authority inevitably filtered through the various strata of human society, tainting each as it percolated downwards, cor-

THE UNTILLED SOIL

rupting the whole soil, which as a consequence yielded more tares than wholesome grain.

Walpole, sceptical and unemotional as he was by nature, appears to have entertained a cynical contempt for his own generation, but in that memorable indictment of his of the society in which he moved, "I always talk bawdy at meals as that is a subject in which all can join," he was unconsciously condemning himself and the baneful influence he exercised upon society in general. It never occurred to him that the reason his guests so readily assimilated themselves to such talk was that they were aware that this was the subject most congenial to their host. He never concerned himself to reflect that had he endeavoured to raise the general level of the public taste, all classes would have readily responded to one whose influence over his own generation was unquestioned.

His influence was corrupting in two respects. By his personal conduct he lowered the level of private morality, and in his administration of public affairs he deliberately set himself against all attempts to raise its level. He sneered at any junior Member in the House of Commons who evinced an ambition to set higher standards of political integrity, or who strove to initiate a campaign of social reform.

His influence upon young men [writes Lecky] appears to have been peculiarly pernicious. If we may believe Chesterfield, he was accustomed to ask them in a tone of irony, upon their entrance into Parliament, whether they too were going to be saints or Romans, and he employed all the weight of his position to make them regard purity and patriotism as ridiculous and unmanly.

In these efforts he was quite remarkably successful. Through the greater part of the century there hardly

HIS LIMITATIONS

emerged one Member of Parliament who could, by any contortion of the term, be designated a social reformer. The baneful influence of Walpole's cynicism long survived him. For many a decade after he had ceased to be Prime Minister it was not possible to indicate any measure that was calculated to make a substantial contribution towards ameliorating the debased moral condition of the country, or to the remedying of the defective machinery employed in the treatment of delinquents, for whose delinquency that defective machinery was in the main responsible.

The justification for Walpole's claim upon the gratitude of his contemporaries was that he achieved a well-earned reputation as a great Peace Minister. But by his success in seeking peace and ensuing it he deprived himself of the one excuse he might have pleaded for his neglect of social reform, an excuse which can at least be advanced in some measure to exonerate the younger Pitt of similar negligence on his part. Walpole might have employed the years of peace and plenty, for which he must have full credit, as an opportunity to concern himself with an endeavour to improve the deplorable moral condition into which the country had sunk. The premierships of Walpole and the two Pitts covered a period of little less than fifty years. They were years in which those who governed England interpreted patriotism as meaning love of country rather than love of fellow countrymen, and who, although they were possessed of an ambition to make British arms victorious by land and sea, were of no ambition to raise up the oppressed or to strengthen the moral fibre of the nation.

It is true that the elder Pitt and his illustrious son were both men of unblemished private character, but we search in vain through the records of their administration of public affairs for any effectual attempt to remedy

THE UNTILLED SOIL

the vile abuses corrupting the morals of all classes. The baffling social problems arising from the sudden development of the factory system, which began in the lifetime of the younger Pitt, never appear to have occupied his thoughts. He left the abuse of child labour unrestricted by law while he even urged the propriety of turning the industry of children to commercial profit.

The fashion that the governing classes set during these stagnant years was deplorable. If we have any doubt of how far it was responsible for the increase of crime and debauchery in all classes inferior in the social scale, we have only to consult the writings of those contemporaries who had sufficient patriotism to protest. Of these, the two brothers, John and Henry Fielding, and James Colquhoun stand out pre-eminent. They are, of all the authorities on the moral conditions of the eighteenth century, the most frequently and the most confidently drawn upon by historians in arriving at their conclusions, and the one definite conclusion which all reliable historians arrive at is that the Legislature and the governing classes were to blame for the low state of public morals.

To obtain the correct background to the picture of the social life of England during this period, particularly in the large industrial towns, it must be realized that scarcely any provision except of the most pernicious character—and of this there was an abundant supply—was made for the leisure hours of the industrial classes.

What an immense variety of places [exclaims Henry Fielding] have this town and its neighbourhood set apart for the amusement of the lowest order of the people where the master of the house, or wells, or gardens may be said to angle only in the *kennels*¹ where baiting with the vilest materials, he catches

¹ *Kennel* in this connection means “gutter.”

N E G L E C T O F E D U C A T I O N

only the thoughtless and tasteless rabble . . . The necessary consequence must be ruin to many . . . I would be understood to aim at the retrenchment only not at the extirpation of diversions.

But Fielding's suggestion as to the appropriate remedy proved that even he was incapable of getting down to fundamentals. He would allow the upper classes to have their fun, but adds "the business of the politician is only to prevent the contagion from spreading to the useful part of mankind." Ranelagh and Vauxhall he would tolerate, but "such a fashion should not be allowed to spread amongst those in town and country who cannot afford it." In other words, diversions are for the rich, who come to little harm by indulgence in them, but are to be denied to the poor, who can only afford those of the most injurious description.

If there be any who doubt that education has been of the value which is claimed for it, let us bear in mind that the greater part of the wholesome amenities that now fill the lives of the working classes derive their origin from education and are only congenial to those who have at least a modicum of intellectual endowment. It is by education too that men are given a distaste of those occupations which to the ignorant are the only solace in their vacant lives. "The want of a due provision for education," said Lord Hale in one of his discourses, "and relief of the poor in the way of industry, is that which fills the gaols with malefactors."

But Colquhoun passes a still harsher judgment upon those responsible for such a universal state of ignorance :

To suffer the lower orders of the people to be ill educated, to be totally inattentive to those wise regulations of State policy which is to guard and improve their morals and then to punish them with a severity unexampled in the history of the world either ancient or modern, for crimes which have origin-

THE UNTILLED SOIL

ated in evil habits has too much the appearance of creating delinquents for the purpose of putting them to death.

It is quite certain that whatever the intention may have been, this was the ultimate effect of the attitude of government towards social reform in the eighteenth century. There was no attempt made to better the condition and the circumstances of the poor, in order to obviate the particular temptations which are at all times so overwhelming to the destitute. Still worse, when the criminal had been made either by the neglect or almost by the acquiescence of government, there was no attempt to effect his reformation. Small wonder then that the gravest aspect of the social life of the century was an ever-increasing epidemic of crime and immorality in every rank of human society.

Although it is not always easy to determine cause and effect there is no question that this great increase of crime, synchronized with an excess of drinking and gambling in the first half of the century. In this the educated classes set the worst possible example. Robert Walpole's father encouraged his son to drink with him more than he drank himself, in order that he should not have the shame of bearing witness to his father's insobriety. Dr. Johnson spoke of a time that he could recollect when all the decent people of Lichfield became drunk every night and were none the worse thought of for that. These particular tastes, unwholesome enough even for those who could afford them, and whose gambling and drinking took place under comparatively decent circumstances, were a thousand times worse for the morale of a class who had not the margin of income to justify the risk of the one or the cost of the other, and whose habits could only be gratified in the worst haunts of vice and crime in the Metropolis.

Until the introduction of gin-drinking into England

GIN DRINKING

in 1735, which Lecky describes as an event incomparably more momentous than any event in the purely political or military annals of the country, beer was the comparatively innocuous beverage of the working classes. The constituents of beer, while much less inebriating than the coarse spirits favoured by the working man, are more nutritious. While the home-brewed beverage was certainly consumed in vast quantities there is no very definite evidence that the habit produced an appreciable effect upon the morals or the prosperity of the community at large. But the craze induced by the first importations of the Dutch distilled spirit into England, it is agreed by all historians, wellnigh altered the course of the social history of the country. It sensibly checked the increase of the population. It materially affected the efficiency and therefore the output of our industries.

So great was the demand for and the consumption of gin, that even in the first year of its introduction into this country nearly five and a half million gallons of the spirit were distilled in England, a figure which rose to eleven million gallons in 1750. The account of how retailers of gin were in the habit of hanging out painted boards announcing that their customers could be made drunk for a penny, dead drunk for twopence, and have straw to lie upon for nothing, is a commonplace of every school history book. Gin is described in a contemporary satirical publication as

the kind companion of the neglected wife, the infuser of courage in the standing army, the source of the thief's resolution, the support of pawn-brokers tally men, receivers of stolen goods, and a long etcetera of other honest fraternities alike useful and glorious to the commonwealth.

But the evil quickly assumed proportions which rendered joking thereon inappropriate. The Grand Jury

THE UNTILLED SOIL

of Middlesex protested that much the greater part of the poverty, the murders, and robberies of London might be traced to the single cause of gin-drinking. Bishop Benson in a letter written from London in the middle of the century wrote :

There is not only no safety of living in this town but scarcely any in the country now ; robbery and murder have grown so frequent. Our people have become what they never were before, cruel and inhuman. Those accursed spirituous liquors which to the shame of our Government are so easily to be had and in such quantities drunk, have changed the very nature of our people, and will, if continued to be drunk, destroy the very race.

That this was not the exaggeration of a narrow-minded divine, obsessed by the virtue of abstinence, is amply attested by all the most reliable contemporary writers. In 1750 the London physicians stated that there were in and about the Metropolis 14,000 cases of illness, most of them beyond the reach of medicine, directly attributable to this newly-acquired habit of gin-drinking.

Fielding entirely corroborates Benson in ascribing the increase of crime to this baneful habit, and estimated that it formed the principal diet of more than 100,000 people in the Metropolis, adding the comment that

should the drinking of this poison be continued at its present height during the next 20 years there would be very few of the common people left to drink it. . . . The intoxicating draught itself disqualifies them from any honest means to acquire it, at the same time as it removes any sense of fear and shame and emboldens them to commit any wicked and desperate enterprise. . . . What must become of the infant who is conceived in gin with the poisonous distillations of which it is nourished both in the womb and at the breast. Are these wretched infants (if such can be supposed capable of



The Lamentable Fall of Madame Genet

From a satirical print published by E.

GOVERNMENT ACTION

arriving at the age of maturity) to become our future sailors and our future grenadiers? Is it by the labours of such as these that all the emoluments of peace are to be procured us and the dangers of war averted from us?

When this vice had attained proportions that threatened the very life of the State, it was inevitable that Government had to take cognizance of the danger. By the irony of fate the destinies of the country were at this moment in the hands of one whose bacchanalian orgies in his Norfolk home had so disturbed the peace of the countryside that his neighbours had fled from their domestic hearths in dismay. Periodically when England evinced any symptoms of anxiety to be saved from itself, Robert Walpole would leave Houghton for the Metropolis and lumber along the quagmires which did duty for turnpike roads, at the risk of a hold-up by footpads and highwaymen, whose activities his Government was incompetent to suppress. But even Walpole, whose own tastes and inclinations would naturally foster a cynical disregard for the morals of the people, and who was too busy employing the resources of Government solely with a view to strengthening his political influence, was compelled to acknowledge the necessity of taking some steps to obviate the evil. Corpulent in mind and body, he was slow to commit himself on these troublesome occasions, to any definite line of executive action. What he regarded as premature and precipitate decisions were abhorrent to him.

In 1736 he consented with some reluctance to the imposition of a duty of twenty shillings a gallon upon all spirituous liquors. This indirect attempt to make England sober by legislation yielded little result but the encouragement of a clandestine retail trade that defied with success every attempt to suppress it, and the exasperation of the mob which paraded the streets

THE UNTILLED SOIL

with the disconcerting slogan, "No gin no King." Moreover, apothecaries retailed the liquor under the specious label of medicine or cordial. In 1749 more than 4,000 persons were convicted of selling spirituous liquors without a licence, while the number of private gin-shops was estimated at 17,000, statistics which give some measure of the failure of Walpole's one modest effort at social reform, and which perhaps also go to prove that even a Prime Minister is hardly qualified to cure the defect in others which he has neglected to cure in himself.

But if this indulgence in spirituous liquors was a grave menace to the national well-being, the character of the depositories where it was sold and consumed was even a greater social evil and even more immediately responsible for the alarming prevalence and increase of crime. We who are accustomed to look upon the public house as a well-regulated pleasant social place of gathering, where cheerful guests assemble under the auspices of a no less cheerful host, where well-to-do and poor alike can obtain warmth and refreshment under decent and reputable surroundings, must banish from our minds any such pleasing picture if we would reconstruct a faithful likeness of the original.

Both individual reformers and public inquiries in various published reports make it perfectly clear that the gin-shops and drinking-dens which jostled each other in every street in the industrial districts of great towns were almost without exception hotbeds of vice and the very nurseries of young criminals. It was in such an environment that the young novice underwent his apprenticeship in depravity under the able tuition of the habitual malefactor. It was here that the harlot made assignation with her employer; it was here that the worst of all miscreants, the receiver of stolen goods,

THE SYSTEM OF LICENSING

wove the net about his victim ; it was here that thieves planned their next enterprise ; it was here that apprentices and boys and girls of tender years were to be found taking their part in scenes of lewdness and debauchery.

The police system, or indeed any system of control that existed, was so defective and incompetent, that every form of moral prostitution flourished without let or hindrance in these dens of iniquity.

It is not to be supposed that, where a system of licensing, if such it could be called, was so inoperative, the type of publican who presided over these houses was calculated to raise their tone. Instead of entrusting licences, as the intention is to-day, exclusively to men of unimpeachable moral conduct, the justices assigned them so indiscriminately that the keepers of the ale-houses and gin-shops were for the most part those disposed rather to promote drunkenness, gambling and every description of immorality which could be the means of fostering their trade, while not a few of them were associated with highwaymen, prostitutes, common thieves and utterers of base money with the object of supplementing whatever more legitimate earnings they could claim.

That the drinking and gambling houses of the Metropolis continued to be a standing reproach to Government and a perpetual menace to the welfare of the youthful population throughout the whole of the eighteenth century, is amply attested by the evidence produced before the Select Committee on the Police of the Metropolis, which reported in July, 1816. It is a long stride forward for the student of history from the age of Walpole to this date, but nowhere on his journey will he find any evidence that these particular evils suffered the slightest check from remedial legislation. The conditions that were revealed before this

THE UNTILLED SOIL

tribunal had persisted without interruption for over a hundred years. This evidence therefore is as appropriate a description of what obtained in any part of the eighteenth century as in the early days of the nineteenth, when the Committee reported. It is the most reliable evidence to be found, and it is therefore from its pages that the following paragraphs dealing with this particular social evil are mainly drawn. The evidence is given and corroborated by a long procession of witnesses with monotonous and unvarying precision.

A very great number of the public-houses in the gin-drinking days were disorderly both in the legal and in the customary sense of that description. Many of them, the habitual resort of thieves and bad characters, were known as "flash-houses." They were mainly supported by disorderly persons of both sexes, because forsooth they could not be otherwise supported with any prospect of remuneration. The type of harlot that frequented them was one calculated to invest them with a particularly sinister repute. In his evidence before the Select Committee of the House of Commons Colquhoun expressed the following view upon this unsavoury subject :

It appears to me that in addition to the increase of prostitution, there is also a great increase of profligacy of manners among that class of unfortunate females. In addition to this the major part of them derive a considerable portion of their subsistence by the robbery of those who come in contact with them of their watches and money ; a vast proportion of them are associated with thieves, who actually live with them, and who follow them in the streets, not only to tutor them in the way they are to commit robberies, by pulling out watches, money, etc., but also are near at hand, ready to attend them when they commit those robberies, in order to receive the booty and run off.

THE “FLASH HOUSES”

The extent to which liquor was consumed in these drinking-dens can be estimated from the evidence given by Thomas Spring, a victualler: “I last week sent a man to watch the door of a gin-shop on Holborn Hill . . . between the hours of 7 and 10 in the evening there went in and came out 1,411 persons excluding children.” He knew of a gin-shop which served 1,000 to 1,500 on a Sunday before Divine Service:

I am shocked at seeing . . . the indecency and profligacy and even children intoxicated, with their fathers and mothers, children of from 7 to 14 years of age, with their parents on a Sunday morning in the dirt and rags they have been in all night.

Little or no attempt was made to suppress them, and often enough when information had been tendered it was overruled, the majority of the magistrates displaying a curious reluctance to convict. It was of rare occurrence that these houses were closed down. The usual course adopted was to change the licensee. But the facility with which licences were granted and renewed to persons of bad character and reputation rendered such a proceeding futile, while honest magistrates despaired of effecting any improvement where brewers and distillers were making fortunes out of these infamous haunts, profits being their one concern.

Some of the worst-conducted houses in London were the most lucrative. From the words of a contemporary we derive the following description of them:

There almost every practice prevails that is calculated to inflame the criminal propensities of youth. Boys and girls met there, the most daring enjoying the hero worship of their fellows, divided themselves into gangs, elected a captain, “worked” certain districts in shifts by day and night in small parties of two or three, meeting again at a set time to divide the

THE UNTILLED SOIL

plunder. One party divided £400 in one night. This was the usual system at most "flash-houses." Boys and girls kept late hours with cards and dice, the landlord gambling with his customers.

A list of these favourite haunts of the underworld showed that there were two hundred of them situated in St. Giles, Drury Lane, Chick Lane, Saffron Hill, the Borough, and Ratcliffe Highway, frequented by 6,000 boys and girls, some no older than twelve years of age, who lived solely by dishonest courses and were the associates of thieves. During the daytime they were occupied alternately with stealing and gambling, indulged in without let or hindrance in the open streets.

The Committee ruled that the long immunity which these vile dens enjoyed had contributed perhaps more than any other cause to that early depravity and extent of juvenile delinquency which every magistrate acknowledged to prevail. An attempt was even made to justify their continuance on the specious plea that they offered a facility for the apprehension of offenders. One police officer giving evidence stated that "flash-houses" were certainly a necessary evil; alleging that if these houses were done away with "we should have the thieves resort to private houses and holes of their own, and we should never find them." The answer to such an apology for their existence was painfully obvious. Though criminals might be apprehended in their habitual resorts, crimes were planned there. In these schools and academies for vice, adapted to both sexes and to all ages, where one thief was seized one hundred were trained in the science of thieving, in which a large proportion might never have graduated had it not been for the facilities afforded by these legalized haunts of prostitutes and felons. Furthermore, the publicans favoured the worst offenders as their best customers,

E V I L I N F L U E N C E S U P O N Y O U T H

and were therefore more likely to offer them protection than to secure their apprehension.

The public-houses were so numerous and competition in the trade of the publican so severe that it would not have been an easy task for them to have cleared profits solely by honest means. It is impossible therefore to resist the conclusion that they found their main support in disorderly persons of both sexes, because failing such co-operation they could not be otherwise sufficiently lucrative to continue to exist.

The findings of the Committee were that the chief causes of juvenile delinquency were the existence of "flash-houses," brothels almost exclusively set apart for children of both sexes, and the bad management of prisons, which instead of correcting the criminal delinquents by discipline were nothing better than schools of crime.

Colquhoun was convinced that young offenders became earlier initiated into the systems of crime by frequenting these houses than in any other way.

There are various streets in Westminster [he said in his evidence] where there are a number of those houses which lodge prostitutes . . . Facilities for an illicit intercourse with the sexes at an early age prevail, I believe, in every quarter of the town more or less . . . It is the first stage of corruption of morals, young men getting connected with these women.

A great number of the juvenile predators cohabited with girls of their own age. This early association of the sexes prevailed to an alarming extent. There were houses exclusively for the reception of boys and girls—one at St. Giles had accommodation for four hundred. Money for this form of indulgence in vice was obtained by the proceeds of thefts. The girls were allowed to visit their young lovers in prison. It is on record that

THE UNTILLED SOIL

one boy of fourteen asked the girl with whom he had cohabited to keep their lodging going during the three months of his imprisonment.

The most detestable feature, therefore, of the "flash-house" system was the facility for debauchery among children. The Ordinary of Newgate stated that the boys in his school freely confessed to having had intimate relations with girls at a very early age, that persons had repeatedly presented themselves at Newgate calling themselves sisters and relations of the boys, but were the common prostitutes kept by them.

One other feature of the "flash-houses" calls for notice. Clubs of apprentice boys were harboured in them for the purpose of supporting any of their ilk who had run away from their masters, and of affording them every opportunity to indulge themselves easily amid scenes of lewdness and drunkenness, the cost of which they reimbursed themselves by pilfering their masters' property and disposing of it at the old-iron shops. In this process, from being once industrious and honest apprentices to a lawful trade, they became the apprentices of thieves who frequented these houses with the deliberate intention of discovering boys fit for their purpose.

Andrews tells of a house in the neighbourhood of Smithfield which, when demolished, was discovered to be a hiding-place of highwaymen and assassins, with secret spouts for the conveyance of stolen property from floor to floor in case of search, and its subterranean passages. Many of a similar description probably existed in the eighteenth century. One of these cellars in Chick Lane, Smithfield, was so notorious for almost daily murders that it was called the Blood Bowl House.

In enumerating the haunts of malefactors, mention must be made of the sanctuary offered by the Old Mint in Southwark. Here unruly ruffians preserved it sacred

THE GAMBLING HABIT

from the officers of the law in spite of the Statute of William III. A regular organization gave security in this area for the thief and the murderer. A Master of the Mint with his bodyguard was appointed for the internal discipline and government of the sanctuary. Scouts and sentries were posted at all the outlets until ultimately a statute of George I abolished its immunities.

So much for the "flash-houses" and their excrescences as causes of the prevailing conditions of depravity. But there was another, equally potent, carried on both within the "flash-houses" and almost everywhere outside in every walk of life. Gambling, which is invariably the twin evil of drunkenness, reached unprecedented proportions in the first part of the century, having its outward historical expression in the South Sea Bubble. The subscriptions to every form of wild enterprise were innumerable, from trading in the South Seas to breeding silkworms in Chelsea Park. So eager was everyone high and low to speculate that the general cry was "For God's sake let us but subscribe to something, we do not care what it is." Facilities for play were everywhere to suit the taste and fashion of all classes. Houses were opened under the sanction of aristocratic names, where an indiscriminate mixture of all ranks of society was to be found, from the finished sharper to the raw inexperienced youth.

The idle rarity [writes Colquhoun] of being introduced into what is supposed to be genteel society where a fashionable name announces an intention of seeing company has been productive of much domestic misery.

Lotteries, with all their attendant abuses of "agents" and their friends, who monopolized the tickets by the use of false names, assisted to whet the appetite of the public for getting something without working for it.

THE UNTILLED SOIL

In 1770 there were no less than 400 lottery offices in London and its neighbourhood. The newspapers of the day teemed with proposals issued by every ravenous adventurer who could collect a few valuable articles to raffle.

Another institution selected by most historians as being at the deepest root of all evil was the receiver of stolen goods, who from earliest times until our own has been the bane of human society. If capital punishment could have been reserved for any other crimes than murder and treason, the selection could surely have been made with some justification to include in its operation this type of miscreant most easily dispensed with, and without whom the world would be a better place to inhabit.

There is no question that young boys were taught and encouraged to be thieves by this product of the underworld, mostly of foreign importation. The repulsive figure of Fagin which Charles Dickens has portrayed upon his imperishable canvas is not overdrawn, and faithfully reproduces a character that for hundreds of years has been more responsible for the corruption of youth than any other agency, direct or indirect, that can be adduced to account for it.

At the time Colquhoun wrote his treatise upon crime there were estimated to be three thousand of these human birds of prey in the purlieus of the Metropolis alone.

It is a melancholy reflection [he exclaims] to consider how many individuals, young and old, not of the class or description of common thieves, who are implicated in this system of depredation, who would have probably remained honest and industrious had it not been for the easy and safe mode of raising money which these numerous receivers of stolen goods hold out in every by-street and lane in London, where although a

R E C E I V E R S O F S T O L E N G O O D S

beggarly allowance of old iron, old rags or second-hand clothes is only exhibited, the back apartments are often filled with the most valuable articles purchased from artificers, labourers in the docks, humpers, glutmen, menial servants, journeyman porters, chimney sweepers, itinerant Jews and others. Thus it is that the moral principle is totally destroyed among a vast body of the lower ranks of the people, for whenever prodigality, dissipation, or a want of economy, or gaming, whether in the Lottery or otherwise, occasions a pressure for money, they avail themselves of every opportunity to purloin public or private property, and recourse is had to all those tricks and devices by which even children are enticed to steal before they know that it is a crime, and to raise money at the pawnbrokers or the old iron and rag shops to supply the wants of profligate parents.

Colquhoun also describes what he terms latent receivers who do not keep open shops, but secretly support the professed robbers and burglars by purchasing their plunder the moment it is acquired, of which class there are some who are said to be extraordinarily opulent.

One whom he refers to "as "a considerable dealer in rags and old iron," informed him that there were two varieties of receiver, wholesale and retail. The retail were those who purchased in the first instance from the thieves or agents, and as soon as they had collected a sufficient supply, parted with it to a larger dealer for ready money. Many of these rogues employed subordinates to delete the government mark from iron and metal stores, by which device they were able to sell them back to the government repeatedly.

Considerable difficulty was experienced in detecting these hidden agents of crime and in bringing them to justice, owing to the disorganized condition of London's administration, which comprised a number of separate jurisdictions that so clashed with one another as to

THE UNTILLED SOIL

impair any effective co-operation in vigilance and energy of pursuit.

There were regular markets in various London public and private houses held by the principal dealers in stolen goods, where hawkers, pedlars, fraudulent horse-dealers, unlicensed lottery-office keepers, the riff-raff of the fairs, Irish labourers, hackney-coach owners, and many others who would not be suspected, were regularly supplied with counterfeit copper and silver. Scarce a wagon or coach departed from the Metropolis that did not carry boxes and parcels of base coin to the camps, seaports and manufacturing towns, so that the country was deluged with counterfeit money.

Lowest in the scale of villainy that made the thief can be classified the atrocious scandal of the houses set apart for the accommodation of vagabonds. There is on record a particularly lurid description of one of these night shelters provided by the contemporary High Constable of Holborn.

In the parish of St. Giles there are great numbers of houses set apart for the reception of idle persons and vagabonds, who have their lodgings there for twopence. In the above parish and in St. George's, Bloomsbury, one woman alone controls several of these houses, all accommodated with miserable beds from the cellar to the garret for such twopenny lodgers. In these beds, several of which are in the same room, men and women, often strangers to each other, lie promiscuously, the price of a double bed being no more than threepence, as an encouragement to lie together; but as these places are thus adapted to whoredom, so are they no less provided for drunkenness, gin being sold in them all at a penny a quartern, so that the smallest sum of money serves for intoxication. In the execution of search warrants Mr. Welch, the Constable, rarely finds less than twenty of these houses open for the receipt of all comers at the latest hours. In one of these houses, and that not a large one, he numbers 58 persons of both sexes, the stench of

CHILD THIEVES .

whom was so intolerable that it compelled him in a short time to quit the place.

Fielding supplements the foregoing account with one of his own experience in Shoreditch, where he saw two little houses of this description emptied of nearly seventy men and women, amongst whom was a young and pretty bride with her newly-married husband. Such was their poverty that the money on all of them did not amount to one shilling, with the exception of the bride, who, he learned, had robbed her mistress. "Among other mischiefs," he adds, "attending this nuisance is the great increase of thieves."

From all the available evidence it is an obvious conclusion to draw that one of the most indefensible features of this period of moral stagnation was the callous neglect of youths of tender years by the State, or indeed by any controlling authority. Even at the close of the century there were not less than three thousand of them under twenty years of age in the London prisons; nearly half this number were under seventeen years of age, and a thousand of the latter were convicted of felony. Many of those sent to prison were barely nine or ten years of age. Incredible as it may seem there were even cases of children of six years old charged with crimes.

The extreme poverty and misery of the lowest stratum of society and the absence of any attempt at legislation which might have alleviated the lot of the poorer classes may serve to account for this phenomenal state of infantile depravity.

Herds of very young children were driven famished into the streets every morning by indigent or profligate parents who neither could find employment for them, nor had the means of binding them out as apprentices to trades, and were dared to return home without plunder

THE UNTILLED SOIL

under a penalty of flogging, while a number of orphans with no friends of any kind joined with them in their illicit pursuits. They would sleep in sheds, the streets, the market-places. No one would employ them. Corporal chastisement and prison only served to degrade them the more. Sheer necessity drove them to crime, for in reality prison was their only home.

The Clerk of Bridewell Hospital, giving evidence before the Police Committee upon this subject, observed :

So far from theft being discouraged by their parents it is too frequently the principal source of their support, and in many instances the unnatural father is himself found to be the instructor of his children in crime as well as the participator in their plunder. The fate of female children in such families is still more deplorable, and it is only too well ascertained that the ruin of multitudes of females for life takes place at so early an age is perfectly shocking to humanity ; in most of such cases I have found the parents the tempters and destroyers of their own children ; indeed it is almost impossible that without their connivance and consent their children could become abandoned and depraved at so early an age.

The booths of Covent Garden Market were stated to have been the nightly resort and shelter of hundreds of such youths, and it was here that they consorted with women of the basest description. The police were in the habit of trying to scatter them instead of taking them into custody. In Covent Garden or in the purlieus of St. Giles and Whitechapel these indigent young boys and girls took up their nightly abode in a state of promiscuous depravity. They were rarely reclaimed. It was not a long stride from this life of mendicancy to the "flash-houses" where every facility was afforded them to qualify for the gallows.

Of other evil influences upon the general moral tone of society in the eighteenth century most contemporaries

THE FAIRS

make special mention of the Fairs which, although they may be associated in our minds with “Merrie England” and much that is picturesque and attractive in fiction, in reality were the favourite resorts of all the worst scoundrels who preyed upon their fellows, and were the forcing-house of every conceivable kind of vice and evil practice. Evidence was given before the Select Committee on the State of the Police in 1816 to the effect that these fairs tended

to the corruption of the morals of females and ultimately to their seduction ; that there were some 80 annually held within 10 miles of London at which assembled some of the worst characters in the Metropolis.

It was at the London fairs that booths were erected for the purpose of staging plays, the majority of which appear to have been of the most demoralizing description. The drama must certainly be responsible for an even lower tone than would have obtained without its influence. Swift placed its degraded condition among the foremost causes of the general depravity of the age. The matter even came before the notice of the House of Commons in the year 1735.

Inferior masquerades are also included by Fielding in his general indictment of this form of public amenity. “These are no other than the temples of drunkenness, lewdness and all kinds of debauchery.”

Among the influences which cannot be ignored in estimating what were the factors which made for conditions of universal degeneracy must be reckoned the looseness of the marriage tie, and indeed the easy custom of men and women living together, dispensing with its restrictions altogether. Colquhoun animadverts upon this aspect of social life in no unmeasured terms.

The total ignorance of moral and religious duties among the

THE UNTILLED SOIL

lower ranks of people in the Metropolis is manifested by the vast numbers who cohabit together without marriage, from which connections a numerous progeny arises reared up (where want of care and disease does not shorten their days) under the example of parents whose conduct exhibits nothing but the vilest profligacy.

Reference to this subject necessitates allusion to the extraordinary abuse of the so-called Fleet marriages, which were not abolished by law until the year 1753. Clergymen confined for debt in the Fleet prison previous to this Act were allowed the lucrative privilege of marrying couples within its precincts. It is on record that one of these improvident parsons married monthly on an average 150 couples. Women who were in debt could be married to a husband regularly attached to the establishment for this purpose, and as soon as married separate from him, the husband content for a gratuity, to be liable for the debts of his wife, who was thus able to laugh at her former creditors and open fresh credit elsewhere. No questions being asked, unsuspecting minors were entrapped and married, and even some united forcibly against their will to men whom they had never seen before. Smollett bears witness to the prevalence of this social evil :

There was a band of profligate miscreants, the refuse of the clergy, dead to every sentiment of virtue, abandoned to all sense of decency and decorum, for the most part prisoners for debt or delinquency, and indeed the very outcasts of human society who hovered about the verge of the Fleet prison to intercept customers, plying like porters for employment, and performed the ceremony of marriage, without licence or question, in cellars, garrets or ale-houses, to the scandal of religion and the disgrace of that order which they professed. The ease with which this ecclesiastical sanction was obtained, and the vicious disposition of these wretches open to the

D O M E S T I C S E R V I C E

practices of fraud and corruption were productive of polygamy, indigence, conjugal infidelity, prostitution and every curse that could embitter the married state.

At one time these marriages took place at the rate of 8,000 per annum. The evil was ultimately put a stop to by the Marriage Act, which rendered it punishable by death to give a false certificate or make a false registry.

Most writers who analyse the causes of depravity in the eighteenth century include in their strictures the bad influence exercised upon the behaviour in towns by gentlemen's servants, a very numerous class in those times. There were, as to-day, various grades of servants, commencing with the link-bearer, a wretched class composed of the very poorest and worst clad, many of whom according to Gay were in league with the thief bands. Higher in the social scale were the footmen and male house servants, who were usually idle and dissolute. From among them the ranks of the highwaymen were commonly recruited. Indeed a large proportion of the most famous of that brotherhood had been in domestic service. Hawkins, James, Maclean (Horace Walpole's assailant), John Rann and Page, to mention a few of the more renowned, had all been aforetime in livery.

The deplorable condition of the streets, particularly by night, which ensured to the highwayman in the country and the footpad in the towns complete immunity, and held out to the apprentice in crime an easy and safe means of obtaining an illicit livelihood, was not the least remarkable example of the Government's impotence to terminate abuses from which the public suffered.

So great were the dangers by which the roads were beset that many used barges on the Thames by preference, but even here there were risks to be encountered from the evil practices of the boatmen. Highwaymen

THE UNTILLED SOIL

infested Hampstead Heath, Bagshot, Finchley Common, Epping Forest, Hounslow Heath, Shooter's Hill and Blackheath. In the Metropolis itself, Whitechapel, Holborn, the Strand and Shoreditch were their happy hunting-grounds. Even in Berkeley Square and St. James's Street members of the aristocracy were occasionally held up. Piccadilly was dangerous after dark, and Islington was secure for none but the law-breaker.

It is a curious circumstance that the so-called "knights of the road" were not always professional thieves. Distressed tradesmen sometimes took to the road in desperation as being an easy and comparatively safe method of obtaining a livelihood. It is said that instances were not rare of persons being stopped by men of their own acquaintance who although masked might be recognized by their voices, and who robbed travellers with a promise of returning the money at a certain place and hour on a pledge of secrecy, as they were in urgent need of ready cash for their business. But the majority of those who made the road unsafe by their depredations were professionals. So intolerable became their activities, so immune they seemed to be from apprehension and so perpetual a menace had they become to law-abiding citizens, that in 1744 the Lord Mayor and Aldermen of London conveyed an address to the King in which they indicated that evil persons of all sorts

commit the most daring outrages upon the persons of His Majesty's subjects whose affairs obliged them to pass through the streets, by terrifying, robbing and wounding them, and these acts were frequently perpetrated at such times as were heretofore deemed hours of security.

Fielding describes how some of the well-known highwaymen committed robberies in broad daylight in the

THE "MOHOCKS"

sight of many people without molestation. Officers of justice confessed to him that they had passed such offenders in the streets with warrants in their pockets against them without daring to effect their arrest. If they had done so twenty or thirty armed villains would have come to the rescue of their comrades in arms.

Another authority describes how pickpockets made no scruple to knock people down with bludgeons in Fleet Street and the Strand, that they paraded Covent Garden in large bodies, armed, in sufficiently formidable numbers to assail whole parties of wayfarers. In Piccadilly a highwayman was known to have attacked a post-chaise and eluded capture. As late as 1780 it was customary for travellers coming to town to remain all night at the Angel in Islington, rather than push forward in the dark, as the road was bad and infested by robbers. Pedestrians in London preferred walking to riding in a hackney coach "on account that they are in a readier posture to defend themselves or call out for aid if attacked."

Evidence testifying not only to the insecurity of the King's highway, but also to the depths of depravity to which sections of the community had sunk also is afforded by the activities of the Society of Mohocks, which seemed to have been recruited for no other purpose but to commit crimes of the utmost barbarity in the streets at night. As if impelled thereto by some unwholesome complex, boys of quite good birth are said to have implicated themselves with the bestial enterprises of these youthful degenerates.

Andrews thus describes their nightly plan of campaign.

One party would sally forth for the purpose of "tipping the lion," violently flattening the noses of passengers who fell in their way, and gouging out their eyes; another "tribe" would give pursuit to some trembling passer-by and on over-

THE UNTILLED SOIL

taking him they would prick him with their swords till they had exhausted his powers of endurance. Then there were the "tumblers," who devoted themselves especially to the diversion of turning females upon their heads, and the "dancing masters," who took their name from their skill in keeping their victim in constant motion by running their swords into his legs. One "tribe" delighted in thrusting females into barrels and then setting them rolling down hill; another derived its chief sport from beating and ill-using the watchman . . . they made a point of drinking till they were in a state of perfect frenzy before they sallied forth.

Fielding also makes a complaint of what we should term the defective town-planning of London, which served to give immunity to every description of law-breaker.

Whoever considers the cities of London and Westminster with the late vast addition of their suburbs, the great irregularity of their buildings, the immense number of lanes, alleys, courts and by-places, must think that had they been intended for the very purpose of concealment they could scarce have been better contrived. Upon such a view the whole appears as a vast wood or forest in which a thief may harbour with as great security as wild beasts in the deserts of Africa or Arabia, for by wandering from one place to another and often stripping his quarters he may almost avoid the possibility of being discovered.

Finally, it cannot be forgotten that one of the contributory causes of the general demoralization was the atrocious condition of the Services, the appalling over-crowding of ships and barracks, and the habitual circumstances in which soldiers and sailors lived, all leading to vice and crime. Wars reacted unfavourably in two ways. While they were being waged the Government might plead the excuse that it could not attend to social reform, and when hostilities had ceased the returned

THE CHURCHES AND EDUCATION

troops had nothing to do and turned to the evil courses which Government, by its neglect, made so easy and so alluring.

The counteracting influences which to-day have so altered and improved the social conditions of the country were entirely lacking. The inability or the unwillingness of the Government to institute any social reforms resulted in free rein being given to the lowest of human impulses. Those who complain to-day of the expense and the interference in domestic lives of a vast army of officials and the doubtless irritating supervision of inspectors, have only to study the conditions which prevailed when liberty was synonymous with licence in order to revise their verdict.

The Churches throughout the greater part of the eighteenth century preached a cold and tolerant doctrine, deprecated enthusiasms and failed to make their influence felt against the prevalent scepticism or indifference, until the preaching of the Methodists and the Evangelical school kindled the dying embers of religious enthusiasm into a flame which their detractors protested gave more heat than light.

Education was deplorably deficient. It was not until the end of the eighteenth century that Lancaster opened his establishment in London and that Robert Raikes instituted the Sunday Schools. What little defective teaching was available was provided by the various religious denominations, the voluntary associations and the benevolence of private individuals, without government assistance. There was a number, by no means sufficient, of endowed schools dating from an earlier period which gave free education to children and there also existed the parochial charity schools. But for sixty years after the death of Queen Anne the Government did nothing whatever for education.

THE UNTILLED SOIL

In England it was the prevailing doctrine that the education of the people was entirely foreign to the duties of Government and a common belief that it would unfit the poor for the state of life to which they had been called.

Gibbon complained that the greatest city of the world was still destitute of a public library. When it is estimated how much spare time is nowadays spent in profitable reading by the young which, if the facilities for such wholesome occupation were as lacking as in the eighteenth century, would be spent upon less edifying pursuits, the conclusion can be drawn that the want of provision for the intellectual tastes of the people was by no means a negligible origin of crime in England.

Added to all these potent causes there was no machinery by which public opinion in favour of amelioration might be organized and ventilated. It is difficult for us who live in an age when the Press is the rapid and convenient vehicle of public opinion on all affairs, imperial and domestic, to realize a condition of things where such a facility is not provided. But its absence accounted for the long continuance of the dire abuses recounted in these pages. The Press indeed existed, but it was prejudiced in its effectiveness by the rigorous laws of libel, by the primitiveness of the printing press, by the slowness of communications and by the illiteracy of the majority of the population, who would to-day be capable of forming an opinion against abuses and insisting on their redress, while the Courts held over the heads of distracted publishers the law of libel with pillories, fines, imprisonments and all the machinery of the law.

The House of Commons itself thoroughly resented any part of its proceedings being reported, so that there was no means of a public opinion being formed through a medium which to-day is the most efficacious for venti-

lating grievances. In 1738 a resolution was passed to the effect that it was a high indignity and a notorious breach of its privileges to publish any of its proceedings, and that the House would proceed with the utmost severity against offenders. Even had the public been sufficiently in touch with the proceedings in Parliament to influence its members, the Legislature was so unrepresentative that the County of Middlesex, including London and Westminster, returned only eight members in 1769, the year of the first serious effort at redistribution.

The party system as we understand it to-day was gradually evolving, but as yet no scheme of internal domestic reform had bound together an effective and critical opposition, the various elements of which might have voiced the grievances of the oppressed and given them definition.

Instead of ensuring the provision of wholesome counteracting influences, the only expedients adopted by government to cure these ills of state had the reverse effect of that which was intended. A parenthetic reference must be made to them in this chapter for completeness' sake as they were amongst the chief contributory causes to the great increase of crime in the eighteenth century, but a more thorough investigation of their ultimate effect is so important that a separate chapter has been devoted to their consideration. Nothing could have been so ill conceived as the publicity of these spectacles mistakenly supposed to act as a deterrent to the potential criminal, but which were in fact more calculated to demoralize than to convert. There can be no doubt whatever that public executions, the gibbet at the street corner, the pillory, the floggings and all other exhibitions of revolting cruelty merely served to harden and to demoralize. Add to these the law's ferocity which

THE UNTILLED SOIL

defeated its own object and the hopeless inefficiency of the police, both of which subjects are separately treated in this work, and the degeneracy of the times is no longer a matter for surprise.

From the foregoing it can be gathered how easy it was in the eighteenth century for the young lad of apprentice age to abandon an honest calling in favour of less reputable methods of earning a livelihood. Under the conditions which prevailed in every town during the eighteenth century it is remarkable, not that so many youths went astray, but that there were any to keep to the narrow path of virtue. That many went wrong who might have kept straight had Government concerned itself with the welfare of the young, and had not the criminal code been put into operation in so brutal a fashion, there can be no doubt.

The probability that so many young men who fell by the wayside might have led decent and respectable careers but for the neglect of the State to realize its responsibility induces us to make a more generous estimate of the youth who had made a false start, rather through the fault of others than his own, and who, had he been given a chance, might have turned into a valuable citizen. At least one historical illustration of this particular type comes down to us based on fairly authentic records owing to the fact that contemporary public interest was aroused and has ever since been sustained by posterity in the extraordinary escapades of the individual concerned. It is not for that reason that reference is here made to his circumstances. Something of the history of this unfortunate youth is briefly recounted here by the author, not to emphasize the picturesque and romantic aspects of it, but rather to take as an exemplification a youth who, for all his notoriety, was of a very normal type, and one which

JACK SHEPPARD

nowadays is constantly submitted and reacts favourably to the cure which the State provides, and who probably might never have been heard of had he been given the opportunity and the incentive so many lads are afforded to-day of returning to the paths of virtue. It may strike the reader as inappropriate that the example of Jack Sheppard has been chosen to point the moral because, probably owing to the notoriety of his phenomenal escapades from prison, he is generally looked upon as a prince among thieves. A closer scrutiny of his circumstances and career should serve to dispel that illusion. He was born in Stepney in the year 1701. He came of a line of honest carpenters in Spitalfields. His father, unfortunately for him, died when the boy was a mere infant. His mother, although doting upon him, seems to have had little enough share in his education. He was brought up in the Bishopsgate workhouse, an institution typical of the abominable neglect which characterized the local government of those times. Everyone's hand was no doubt against the unfortunate boy, whose hand as a result was to be against that of everyone else. He seems to have begun life as a cane chair-mender, but being brutally ill-used he was high-spirited enough to desert his employer. He was not, however, without a friend. One of the name of Kneebone, a woollen draper who had employed his father, taught him to read and write, and apprenticed him to Owen Wood, a cabinet-maker of Wych Street, Drury Lane.

Sheppard was by no means an unattractive youth. He was short, standing about five feet four, very slender but robust and of great strength, with a pale complexion and fine dark eyes. He had an impediment in his speech. Like so many of his type he was of a vain disposition, and unfortunately for his vanity he appears to have

THE UNTILLED SOIL

possessed a fatal attraction for the fair sex. It is difficult to believe that one who afterwards proved himself to be so active and courageous could have faithfully represented the type of idle apprentice made familiar to us in a series of Hogarth's most famous canvases. His story is the ordinary story of a lad who had not too high a standard of virtue, who had nothing to do with his leisure hours, but found the need supplied by those least qualified to influence him for good. It is more than probable that he owed his downfall to an early acquaintance with one of the unsavoury "flash-houses" already described, to which it was so easy for the ordinary poor boy in those days to gain access and from which it was so difficult to dissociate himself. It is recorded that he frequented the Black Lion, a typical example of those establishments that provided every facility to debauch the youth of London. Before the period of his apprenticeship was up it was here that he coincidentally enough met one Elizabeth Lyon, known to the underworld as Edgeworth Bess, doubtless one of the lures of this particular haunt of vice, who commenced the tragic sequence of influences that led to his ruin. Sheppard's standards were in all probability not very exacting, but he had sufficient discrimination to describe this woman in appropriate terms : "There is not," he observed, in allusion to her, "a more wicked, deceitful, lascivious wretch living in England."

There can be little doubt that the boy found himself in the clutches of the infamous Jonathan Wild at an early stage of his short criminal career, the medium of his introduction to so undesirable an acquaintance being the detestable "flash-houses" which caused the ruin of so many of his contemporaries. Once in that thraldom there was no escape for the wretched youth.

It does not appear that he was particularly criminally

HIS CRIMINAL CAREER

minded. His first offence was a theft of silver spoons from the Runner Tavern in Charing Cross. His subsequent crimes were not very mean nor very heinous. It was his amazing courage, strength and effrontery that enabled him to effect those almost miraculous escapes from gaol which sealed his ultimate fate and which gave him immortal fame in the annals of Newgate. After a further robbery in 1723 he discreetly removed himself, unfortunately in the company of Edgeworth Bess, to the seclusion of Parsons Green. At the end of the year he was brought up as a runaway apprentice on a warrant to St. Clement's Round House, but his former master, who evidently had conceived an attachment for the boy and hoped for something better on the evidence of his personal qualities, procured his release. But by this time he was too much corrupted by evil communications to mend his ways. He seems, however, still to have had sufficient discrimination, and to have been sufficiently fastidious, to be aware of the vileness of his comrades in crime. He described the famous Joseph Blake *alias* Blueskin, in whose company he pursued his evil course, either of his own volition or under some compulsion, as "a worthless companion, a sorry thief, and that nothing but his attempt on Jonathan Wild could have made him taken notice of."

The rest of his career consisted of a series of burglaries alternating with short sojourns in various prisons, from which he effected those sensational escapes that have made his name famous for all time and which have given a very exaggerated reputation of the youth as a criminal.

The detestable Jonathan Wild seems to have been from the first his evil genius and his sworn enemy. Possibly Jack Sheppard had offended one who never forgave an affront. It was Wild who effected his arrest in Rosemary Lane in the year 1724. By a coincidence

THE UNTILLED SOIL

his elder brother had been transported for stealing within a few months of his own capture. He was tried and sentenced to death, but by the aid of his two mistresses he managed to escape from the condemned hold, and after a short excursion into Northamptonshire he was bold enough to return to his erstwhile haunts and pursuits, where he renewed his intercourse with dissipated companions. Although he was well known to the habitués of Wych Street, no one either dared or had the inclination to inform against him. On the 31st of October, dressed like a gentleman, he went into the city and made merry at a public-house not far from the place of his old confinement. At four that same afternoon he passed under the walls of Newgate in a hackney coach, the windows drawn up. Eventually he was seized, probably again at the instance of Jonathan Wild, on Finchley Common, and once again thrown into Newgate, from which he effected his last and most sensational escape. But by this time life could have held out few attractions for him beyond frequenting those purlieus where his apprehension was sooner or later a certainty.

During his final wanderings as a marked man there is one point to be noticed in his favour. Ten days after his escape from Newgate he sent for his mother, for whom he appears through thick and thin to have entertained a touching filial affection. Whether or not she was the penitent Magdalen as she is portrayed in the famous novel she certainly returned his devotion. He met her in the Sheers Tavern, Maypole Alley, near Clare Market. It is said she went down on her knees and implored him to go abroad while it was yet possible. But her son was too reckless of his fate to heed her prayer. Instead he ordered three quarterns of brandy and drank himself silly, in which condition he was that night arrested.



Sheppard on the way to execution

H I S F A T E

In prison he managed to secrete a penknife upon his person with the object of severing the cords that bound his hands on the way to Tyburn and of jumping from the cart into the crowd and escaping through Little Turnstile, where the mounted officers could not follow him. Failing such an artifice he had arranged with his friends that they should obtain possession of his body as soon as cut down and place it in a warm bed in the hope of resuscitation. But every expedient failed and Jack Sheppard paid the penalty of his misdeeds on the 26th of October, 1724.

It is intriguing to speculate upon what might have been the fate of Jack Sheppard had he lived to-day. He certainly would not have suffered the disadvantage of being brought up in a squalid workhouse. He would have doubtless received his education not at the hands of a casual philanthropist but in one or other of the excellent elementary schools that now exist in the neighbourhood. So likely and attractive a youth would have been bound to draw to himself the special attention of a teacher well trained in the art of eliciting from such a character all that was best and suppressing all that was worst in his composition. After leaving school and entering a trade he would be given every opportunity of joining one of the voluntary organizations—boy scouts, boys' brigade, boys' clubs, and others—that would offer him every wholesome outlet for his superfluous energy. No vestige of the "flash-house" remains to-day to lure the hapless youth. There are, it is true, public-houses, strictly regulated as to hours and providing refreshment at such prices, thanks to licensing laws, that excessive indulgence in them by those whose means are exiguous is prohibitive. If he thereafter displayed a disposition towards unruliness he would inevitably come into contact with a vigilant policeman

THE UNTILLED SOIL

who, unlike the thief-taker of old, would be more solicitous to check this tendency than to encourage him to weigh his weight in crime, and would drop some kindly hints before taking stronger measures. When he had entered upon the difficult stage of adolescence he would no doubt be waylaid by a modified version of Edgeworth Bess. He might or might not come unscathed through this ordeal, but certain it is that he would have much less excuse to give way to evil courses of this nature which would thus be available to him, than he would in the eighteenth century. In our own times there are far more wholesome occupations and opportunities to assist the adolescent in sublimating his animal passions than in the days when poor Jack Sheppard succumbed to his evil circumstances. More than likely such a character would "take up" with a decent respectable female companion, with whom he would associate in his leisure hours until he had reached a position in his trade which would permit of his marrying her.

But let us return to the unlikely hypothesis that he has not taken advantage of the leniency of the law and its administration nor of the various good influences which are his to command. For sundry minor offences, nothing more reprehensible than those due rather to the exuberance of youth than to any vicious propensities, he will be had up before the children's court. For the benefit of the uninitiated it must be explained that in the eyes of the law a boy is a "child" until he reaches the age of seventeen. By that time a youth of his enterprise, energy and intrepidity is likely to have tasted the fruits of the tree of knowledge, and will probably resent being classified as a child, and will regard the proceedings as something of an affront to his dignity. All taint of the police court will be absent. Something of the atmosphere of the headmaster's study will take its place. As

a result of this interview with superior authority our modern Jack Sheppard, after spending a few days in a remand home while his antecedents, general health and mental condition are being meticulously inquired into, will be placed on probation. The same process may be repeated many times before anything worse happens to him. A case of a boy being placed on probation eight times came to the notice of the author not long since. If he still refused to answer to treatment, and it is difficult to believe that by this time Jack Sheppard would prove unregenerate, he will at length find himself within a court of law, with all the panoply of state, with policemen, no longer disguised as civilians, standing over him. But prison is not yet in sight. He is sent to a Borstal Institution, where probably somewhat to his surprise he discovers that a generous impulse for his reformation is predominant over any anxiety for his punishment. His housemaster and his officers—the term warder is taboo—are his best friends, and it is brought home to him that the world forgives a boy however hard it may be with a man. Being of the self-reliant type, more easily moved than controlled, in all probability he would prove responsive to such a system and the wholesome self-restraint it teaches. On completing his term of detention he finds himself out on licence to the Borstal Association, which establishes him in some reputable trade and watches over him lest again he enters into temptation. If even after all these efforts on his behalf he discards the helping hand he will find that his licence is revoked and that he will be returned for further treatment. But is it likely, we can ask ourselves, that Jack Sheppard *redivivus* would have, under such favourable circumstances, tried authority so high? Is it not more likely that one of his courageous and generous disposition would have yielded to better influences and

THE UNTILLED SOIL

recovered his moral equilibrium long before the ultimate process described above was complete?

The reader may consider this digression fantastic and absurd, but all those who have made a conscientious study of juvenile delinquency, who have been connected officially or professionally with the institutions which endeavour to help young men to retrace their steps into the paths of virtue, and who have had personal acquaintance with them, cannot fail to agree that there is nothing either fantastic or absurd in the above speculation, and that if Jack Sheppard had had the advantages of the modern youth he would have passed into the ranks of the ordinary, decent, responsible citizens and would have cheated only the author who has immortalized him in the pages of the *Dictionary of National Biography*.

CHAPTER II

THE SOWING OF THE TARES

IF it is legitimate to conclude that by the most reprehensible neglect on the part of government the conditions which prevailed in the eighteenth century were such as to make thieves, there can be no doubt that the steps taken to apprehend the delinquent were of a nature well calculated to aggravate the evil conditions they were intended to abolish.

The police system, if it can be so called, had been inherited from mediæval times. The responsibility for securing honest citizens from the unwelcome attentions of the malefactor originally attached to each hundred and tithing, and the members of these administrative divisions were held jointly liable for any infraction of the law within the appropriate boundaries. "Frank-pledge," as it was termed, incorporated in the Statute of Winchester, together with the institutions of "Watch and Ward" and "Hue and Cry" remained as the basis of the police system for at least three centuries.

The irrational idea of exacting hostages in this manner—punishing the innocent for the guilty—was the essence of such a system. The entire hundred was made to suffer for any offence against the law committed within its limits, and equally the tithing for offences committed by one of its members, a procedure sometimes adopted by less enlightened schoolmasters who lack sufficient good fortune or acumen for the successful detection of a delinquent pupil. The result

THE SOWING OF THE TARES

of employing it in the apprehension of transgressors against the community was that when, as might often be the case, the thief was not apprehended everyone else suffered unjustly, to the general discomfiture of the community. Moreover, it afforded opportunity for the Sheriff to practise extortion of the most devastating kind.

The Justice gradually superseded the Sheriff and the Constable the tithing man in the maintenance of order. Hitherto there was no such institution as a separate body of police, but gradually a distinct order of watchmen came into existence.

In the eighteenth century the protection of the public was still the exclusive concern of parochial effort. The City of London with its various wards, each with its own local management and its own local jealousies, numbered amongst them less than a thousand constables, unpaid, and about 2,000 watchmen and patrols paid at the discretion of the persons in authority in each ward, parish, hamlet, liberty or precinct. In Westminster in every parish the watch was under the direction of a separate commission composed of persons who had served the offices of Churchwarden and Overseer. The Commissioners of the respective parishes appointed the beats of their watchmen without conferring together, leaving the frontiers of each parish indeterminate. These watch-men were appointed by the vestries and received the most inadequate pay of twelve shillings a week in summer and seventeen shillings and sixpence in winter, a remuneration for their services which they often supplemented by taking bribes from prostitutes or a share in a burglar's loot. Failing such adventitious accretion to their legitimate earnings they had recourse to the usurer. They were altogether insufficient in numbers and their duties were manifestly inappropriate

ORIGINS OF THE POLICE SYSTEM

to their age and physique. Moreover, their beats were too extensive to enable them to exercise a sufficient supervision.

The infirm and decrepit, who were unable to work and consequently compelled to apply to "the parish" for relief, were considered fit enough candidates for the duties of watchmen. It is related that a "sturdy strong fellow" was rebuked for applying for the situation as he was "capable of labour." Therefore it happened that they were often old and feeble and secured their appointment for no other reason than that in the alternative they would become a burden on public resources. They were served out with a rattle, a staff, and a treble-caped great-coat à la elder Mr. Weller. Thus equipped they were placed in a district and on a certain beat with the ostensible object of protecting the lives and property of the inhabitants. Aware no doubt of their incompetence to discharge these functions, they acquired the habit of forsaking their beat whenever so disposed in order to obtain refreshment at a local ale-house or for the purpose of adding to their inadequate pay by lighting wayfarers to their homes. As to affording any protection from thieves they were careful to warn the latter of their approach by striking the pavement resonantly with their staves. There was no other method of punishing them for neglect of duty than by dismissing them, "which in fact is not a punishment, for they find it difficult to get men to serve in that office." In order to shelter them from the weather during the inclement season of the year they were provided with a little wooden box against the wall, in which contrivance for their comfort they more often than not spent the greater portion of the night in peaceful oblivion. During their conscious moments, carrying a lantern, the candle of which they were called upon to provide out of their

THE SOWING OF THE TARES

meagre stipend, they tottered around their respective beats announcing the hour and the state of the weather, the only check on their vigilance save the occasional rounds of the parish beadle.

This custom, irritating as it would be to a later generation which expects the constable to go about his just occasions in discreet silence, was no doubt a survival of that which Stow describes of the bellman of the ward, who, especially in the long nights, perambulated the streets and lanes ringing a bell, and "saluted his masters and mistresses with some rhymes suitable to the festivals and seasons of the year and bids them look to their lights." It is difficult to comprehend why these nocturnal activities brought any feelings of comfort or security to the inhabitants for whose benefit they were intended, in view of the fact that the watchman was equally incompetent for the purposes of protection whether awake or asleep.

After their rounds these venerable guardians of the peace retired to their lairs to slumber until the next hour called them forth again, provided their peace of mind was not rudely interrupted by the cry of help from a fellow-watchman set upon by a gang of roughs. In these conflicts the "Charlies," as they were scornfully named by the general public, seldom emerged victorious. "Let us go and tease the Charlies" was the frequent exclamation of the incorrigible young libertines who found time hanging heavy upon their hands. If the watchman was asleep his box was unceremoniously overturned and the wretched victim of this rude horse-play was submitted to every kind of indignity, against which he was incompetent to retaliate.

Until the middle of the eighteenth century London was probably behind every other European town in the matter of illumination. The fact that the streets were



The "Charlies"

John A. Atkinson

CONSTABLES AND WATCHMEN

ill lit made the duties of the watch and ward still more hazardous. It is true that in 1716 a regulation was put into force by which every householder whose dwelling adjoined the street was obliged to hang out a lantern, and that this obligation rested also upon public buildings, schools and churches. But even with these precautions the cover of darkness was still one of the best aids to evil doing and the worst hindrance to the officers of the law's protection.

The parish constables were originally nominated by the court of burgesses or court leet. Although any householder was liable to discharge this onerous and unremunerative public duty, he was at liberty to avoid the responsibility by buying a substitute or purchasing what was known as a "Tyburn ticket," a transferable form of exemption from service in parish offices granted as a reward for the capture of a felon, the result being that their deputies in many instances were characters of the worst and lowest description. The fine they received from the person who appointed them varied from ten shillings to five pounds. Having certain definite expenses and no salary they were induced to live by extortion, by countenancing all species of vice, by an understanding with the keepers of brothels and disorderly ale-houses, by attending in courts of justice and bearing false witness to ensure a conviction, when their expenses were paid, or by any other means which might compensate them for the lack of a sufficient salary.

The inefficiency of the constable, whose duties were presumed to be in the nature of pursuit rather than protection or detection, necessitated the creation of an auxiliary force known afterwards as the Bow Street runners. These extra constables, whose co-operation with the watchmen was somewhat adventitious, at first took the name of the magistrate to whose office they

THE SOWING OF THE TARES

were attached—for example, “Justice Wright’s people.” There were fifty paid men divided among the nine police courts of the Metropolis, who may be regarded as the forerunners of our modern detective, although falling far short of him in enterprise and resource. They were nominated from Whitehall by the Secretary of State. The “runners” were paid £1 a week, with a special recompense consisting of a share in the private reward offered in the event of a successful apprehension, or in the case of a conviction a portion of the public parliamentary recompense, £40, awarded on the authority of the Bench.

Although the Bow Street runners were more energetic and efficient than the watchmen, nothing could have been more detrimental to the public interests than this particular system of encouraging the activity of the thief-taker. There can be no doubt that young offenders were suffered to be trained on in their career of crime from the first offence which made them amenable to the law, while they were not yet objects of profit from the point of view of the Government reward, until step by step they were seduced into the commission of crimes for which on their conviction the reward could be obtained. The infelicitous consequence of this ill-judged experiment in thief-taking was incidentally an appreciable increase of juvenile crime. Hapless boys, finding that their first offences went unpunished, took fresh courage, and when in the next stage of this rake’s progress they were introduced to the questionable amenities of the “flash-houses” they were afforded every opportunity of observing thieves and thief-takers sitting together and drinking on terms of easy fellowship. Every new experience was calculated to give them an impression that they might rob without fear of retribution. The unsuspecting youth did not

R E W A R D S F O R A P P R E H E N S I O N

pause to reflect that the leniency of the officers of the law would cease once they had committed a “£40 crime,” when they should “weigh their weight,” according to the current slang, and that they would then be sacrificed to the cupidity of their pursuers.

When conviction was doubtful the offender enjoyed long immunity from arrest, as the officers were unwilling to take decisive action until they were certain of the reward. It is said that in 1808 the value of property stolen without anybody being apprehended for its theft amounted to £15,000. With the same object in view some of the police officers were even led to forswear themselves, and were tempted to sell the lives of their fellow-creatures for gain. It is not surprising to learn that juries began to be chary of convicting on police evidence. Nothing, therefore, could have been more pernicious than this system of offering large rewards for the apprehension of a capital offence and no reward for the encouragement of discovering minor felonies, more especially as it was responsible for the emergence of a particularly revolting type of public enemy, the “thief-taker,” who flourished upon this habit of concealing and encouraging budding thieves in their evil doing until their crimes made it worth his while to set the law in motion against his victims.

The official functionaries were so unsuccessful in the detection of crime that the administrators of the law were constrained to have recourse to the meanest and lowest of mankind to supply the information they required. No expedient could have been more disastrous as, although it led to the apprehension of criminals, it in all likelihood made as many as it took, and many of those who were taken might never have been criminals had it not been for the insidious methods employed by the thief-taker.

THE SOWING OF THE TARES

There was a pamphlet published in 1753 entitled *The Thief Catcher, or Villainy Detected* by one who concealed his identity under the description "A Lover of His Country." It purported to be written for the information of Members of Parliament in the hopes that it would be useful to them. The author must have been of a sanguine temperament, as this subject was not one which evoked the interest of his contemporaries at Westminster. In this work the thief-catcher is thus described, "One of the most wicked and dangerous set of felons yet taken notice of is the class of rogues commonly known and distinguished by the name of Thief Catchers." Their commission does not appear to have been of an official character. An example can be quoted of one William Norton, who, during the examination of a case of highway robbery, when asked how he got his living replied, "I keep a shop in Wych Street and sometimes I take a thief."

Of these thief-takers the infamous Jonathan Wild has come to personify the type. For the combination of malevolence and avarice there cannot have been one of his professional colleagues who could bear any comparison with him. But from the most reliable sources there emerges the conclusion that he was not a thief-taker in the sense that he was officially and regularly employed by Government to catch thieves or to prevent crime. The silver-mounted truncheon he was in the habit of carrying as the emblem of his office was in all probability a piece of impertinence on his own part. That he was used surreptitiously by authority there can be little doubt, but only on the principle of setting a thief, or in his case something much worse than a thief, to catch his ilk. Whether we can describe him correctly as an official under Government or not there is little doubt that government for a time connived at his

JONATHAN WILD

nefarious practices failing more legitimate methods for the discovery of those who had broken the law.

But that such an institution as Jonathan Wild existed at all, is in itself conspicuous proof of the incompetence of our criminal administration in the eighteenth century. Some account of the career of this prince of ruffians is therefore not inappropriate to the purpose of this chapter.

Wild was born in 1683 at Wolverhampton. For a time he became an apprentice to a buckle-maker, but he early afforded sufficient evidence to his employer that he was of the idle variety. Finding honest toil not to his taste he absconded to London where, consorting with bad characters, he quickly found himself in debt, a predicament which in those days entailed forfeiture of liberty. He was in due course arrested and lodged in the Wood Street Compter, where he made contact with the thieves, pickpockets and low characters who, for very sufficient reasons, constituted the society most congenial to him. In this receptacle for the arrested awaiting trial, he formed a liaison with one Mary Milliner, a particularly disreputable prostitute, well qualified to be his instructress in those very accomplishments in which he was destined to excel. From this confederate in sin he learned the methods employed by thieves in their nefarious occupation. As soon as he was at large again he opened a miniature public-house in Cock Alley, which through his own encouragement became the resort of robbers of all denominations. It was here that he first conceived the project of instituting an agency for stolen property, in the management of which he became the master and tyrant of those attracted by its possibilities of a livelihood. The habitués of this den of robbers brought him news of illicitly acquired booty. He, on his part, offered to restore it to the

THE SOWING OF THE TARES

rightful owner in return for a recompense, sometimes as much as half the value of the stolen article. But he took every precaution to cover his own tracks. He would intimate to those who had been robbed that he knew of an "honest broker" into whose hands their purloined property had drifted, and in return for an extortionate reward he would arrange for the transfer of the property from the fictitious broker to the rightful owner. He was careful never to handle the goods himself, and meticulously avoided any of those hazards that beset either thief or receiver. He pursued this highly lucrative profession for fifteen years without incurring any public stigma upon his character, although he ultimately acknowledged having pocketed £10,000 as the price paid to him for the restoration of stolen property.

The evil influence of such as Wild was so comprehensive and so devastating that even Parliament took cognizance of it and placed upon the Statute Book a law providing that any person who should accept a reward in consequence of restoring stolen effects without prosecuting the thief was guilty of a capital offence. But this well-meant effort on the part of contemporary legislators failed to place any serious obstacle in Wild's pathway. With characteristic ingenuity he hit upon the device of arranging for the ransom money to be left at some appointed place and the stolen property to be returned on the same day. His own comment upon this ingenious procedure is worth quoting :

My acquaintance among thieves is very extensive, and when I receive information of a robbery I make inquiry of the suspected parties and leave word at proper places that if the goods are left where I appoint, the reward shall be paid and no questions asked. Surely no imputation of guilt can fall upon me for I hold no interview with robbers, nor are the goods given into my possession.

HIS EMPLOYMENT AS THIEF-TAKER

In other and plainer words, he ran no personal risks of being caught in taking the substantial proceeds and therefore he could not be classed as a criminal. The only crime he accepted as such was that of being found out, a crime which ultimately led him to the very gallows upon which hundreds of his victims had previously paid the penalty which he had so often and so richly merited in their stead.

In order to sustain his value as a thief-taker he was obliged occasionally to surrender one or two of his victims to the gallows as hostages for his own good name and to reserve to himself credit for his public-spirited action. When expediency urged such a course he provided a few additional victims in the form of those who had committed no offence whatsoever. The motive sometimes was that they were in possession of evidence against himself or it was sometimes merely that he knew a heavy reward had been offered for the conviction of anyone who might have perpetrated a crime, and it was quite as easy, with his gang in attendance, to prove the case against an innocent person if the guilty was not forthcoming. As for his value as a thief-maker, it was inestimable. He had easy enough material to work upon among the wretched, uneducated, unhoused youth of England. He would play his proselytes off one against the other, ever drawing tighter his stranglehold upon them all. It is said that he divided the town and country into districts, all under his supreme direction, with separate gangs allocated to each, detachments of whom he engaged upon particular tasks. For instance, there was a special corps for robbing a church, and another for pickpocketing at country fairs.

Eventually he became a man of means and status, even, it is said, commanding a certain measure of respect amongst his fellow-men. He set up an office for the

THE SOWING OF THE TARES

business of recovering stolen property, where clients gave details of their losses, paid a fee of a crown for the making of inquiries. Pocket-books, documents of all kinds, apart from other valuables, came to hand. He made a speciality of stealing shopkeeper's ledgers and holding them to ransom against disclosures to other tradesmen. If the owner would not pay his price he would threaten blackmail.

He was careful to register the names of all who came within his power with particulars of their operations, and devised methods of his own for compelling fair dealing towards himself on the part of the gang of thieves who had come within his power. He kept them always on short commons the more easily to avoid any retaliation on their part. Once in his clutches the chances of salvation for the young delinquent were remote. There are sufficient grounds for believing that Jack Sheppard came under his influence, although not for the romantic reasons adduced by Harrison Ainsworth. It was said that Jonathan Wild never helped any man to business or to promotion without endeavouring to corrupt him, selecting as his victims the "down and outs," amongst whom he found the transportees who had succeeded in repatriating themselves, a very easy prey. Giving them food and lodging he could secure their blind obedience by threats to denounce them if they failed to come to heel. From among lonely and vagrant children left to wander the streets in destitution and beggary he also secured valuable instruments for the conduct of his nefarious trade. Often he apprehended mere boys, whom he had instructed in criminal habits, by the time they "weighed their weight" in reward. He would also draw his recruits from the Mint district of Southwark, a haunt of bad characters of every description and variety. It is recorded that in one

HIS D U P L I C I T Y

instance he murdered a footpad who had deserted from his service, took all his money, and subsequently claimed the reward and the credit for having exterminated a highwayman. For his own purposes he would assist criminals in various ways provided they conformed to his scheme of things, but if they failed him he would trump up charges against them and in this way dispose of those likely to be inconvenient to himself. As a consequence, he was often called upon to identify persons in court, and would sometimes defend them if it suited his purpose to do so, thus establishing a reign of terror amongst the London thieves, who came to believe that he could save or hang them at his own discretion. All the while he paraded the Metropolis as a disinterested authority "controlling the enormities of the dissolute."

Wild associated occasionally with magistrates in city taverns. It may have been in one of these social haunts that he first met Charles Hitchin, a corrupt City Marshal. The two congenial spirits entered into alliance with each other, Wild posing as Hitchin's assistant. They visited and denounced the habitués of bawdy houses and apprehended them, invariably protecting those who paid sufficient hush money. They created a monopoly in this blackmailing business and fixed a tariff for the payment of thieves. They preyed particularly upon the more miserable type of harlot, forcing them to deliver into their hands articles stolen from clients instead of to the pimps who protected them, threatening them with Bridewell if they refused, and forbidding them to solicit in the streets unless they surrendered. Wild would sometimes arrest street walkers or abduct them from their usual haunts and then lodge them in a workhouse, where they were further corrupted by others of his creatures.

Pickpockets, mostly boys, some under twelve years of age, were brought under the "discipline" of these two

THE SOWING OF THE TARES

vile confederates. The motive behind such tutoring of youth in crime was no doubt the fact that the laws were not rigidly executed in respect of juvenile delinquents. The thief-taker therefore traded on the well-known humanity of the law towards children. They would employ young lads to corrupt others. Detachments of these boys were to be found near St. Paul's and at Moorfields. Hitchin would hobnob with them, giving them cakes and ale. There is a case on record of two of these youngsters being taken to Newgate. But fortunately for them Hitchin had been by this time declared to be the occasion of their ruin and was suspended by the Lord Mayor, the boys being acquitted. At length, as thieves will do, Hitchin and Wild fell out. The former attacked the latter by means of a pamphlet, the most classic example of the pot calling the kettle black. But the pot retaliated, and it is safe to say that the most reliable material as to the respective characters of these two arch-villains is to be found in these two broadsides. But Hitchin's animadversions had little immediate effect upon Wild's fortunes, which continued for a while to flourish as the green bay-tree. He grew bolder in evil-doing, and even had the impertinence to open an office over against the Old Bailey itself. There he was resorted to by rich and poor alike. His schemes met with success. He embarked upon various lucrative "side lines." He became the owner of a sailing vessel in which he used to convey some of his surplus "stock" to Holland. This proved to be a not indefinitely prosperous venture. After two years of successful illicit trading the ship was impounded for smuggling. Another enterprise of his was to employ an adept staff to alter the settings of jewellery in order to prevent identification, and he even established a hiring department for furnishing burglars with the necessary tools of their trade.

HIS END

But Wild ultimately tried fortune beyond endurance. It is obvious that he could not have maintained his authority had he not shown now and again what at first sight might seem a certain disposition towards chivalry, and that he was incurring risk for the good of the community over which he presided. But he made this gesture once too often. A highwayman was apprehended near Bow. Wild came to the rescue and aided him to escape from his captor. For this offence he was committed to Newgate. The fear with which he had hitherto been regarded faded away. Whereupon certain persons not well disposed towards him supplied information as to where a quantity of valuables which he had acquired by crooked means could be found. Wild begged to be tried at once on the original charge, but he was detained while information on the other charges upon his indictment poured in. Having failed to establish his innocence, he attempted to take poison in prison, but without succeeding in cheating the Tyburn gallows, whither, amid the execrations and jeers of a tumultuous mob, he was conveyed to pay the extreme penalty for his sins in May, 1725.

Jonathan Wild owed his long immunity and thousands of his victims their perdition to the fact that the Government was too preoccupied with foreign affairs to concern itself with the reform of the social conditions of England. He may have had his value in certain cases where he alone had the requisite information and facility to apprehend the particular enemy of society which the law required. But it is inconceivable that a civilized government should either directly or indirectly have employed an agent who was so vast a power for evil amongst the poorer citizens of the Metropolis. If it is true to say that Wild took thieves when it suited his purpose and his purse to do so, it is equally true to

THE SOWING OF THE TARES

say that he made far more felons than he ever took.

Colquhoun has much to say on the subject of detection in the eighteenth century.

As the laws now stand no energy enters into the system of detection so as to give vigour and effect to that branch of the police which relates to the apprehension of persons charged with offences, and no sooner does a magistrate commit a hackneyed thief, a receiver of stolen goods, or a fraudulent person charged with any other offence, than recourse is immediately had to some disreputable attorney whose mind is made up and prepared to practise every trick and device which will defeat the ends of substantial justice. Depraved persons are hired to swear an alibi. Witnesses are cajoled, threatened or bribed either to mutilate their evidence or to speak doubtfully on the trial, although they spoke positively before the committing magistrate.

If bribes and persuasions will not do, the prosecutors are either intimidated by the expense or softened down by appeals to their humanity, and under such circumstances they neither employ counsel nor take the necessary steps to bring forward evidence, and the result is that the bill is either returned "ignoramus" by the Grand Jury, or if a trial takes place under all the disadvantages of a deficient evidence, without a counsel for the prosecution, an advocate is heard for the prisoner, availing himself of every trifling inaccuracy which may screen his client from the punishment of the law. The hardened villain is acquitted and escapes justice, while the novice in crime, unskilled in the deficiencies of the law, or unable from the want of criminal connections, or lacking that support which the professed thief receives from the buyer of stolen goods, to procure the aid of counsel to defend him, is often convicted. . . .

The registers of the Old Bailey afford a melancholy proof of the evils arising from the present mode of trying criminals without a public prosecutor for the Crown. . . .

Towards the end of the eighteenth century an agita-

SIR ROBERT PEEL'S REFORMS

tion commenced for the better protection of society and for the surer detection of the thief, but with little effect. At the commencement of the nineteenth century it was estimated that there was one criminal for every twenty-two of the population and yet, to take an example fairly representative of prevailing conditions, in the district of Kensington, covering an area of some fifteen square miles, so little provision had been made to secure the general public against the activities of so undue a proportion of criminals in their midst that there were only three constables officiating in that area. Not until the year 1829 did government admit by its action the need of drastic reform. It was during Sir Robert Peel's ministry at the Home Office that at last a properly regulated and efficient police system came into being.

Disraeli was apt to sneer at Sir Robert Peel for lending too ready an ear to the latest reformer. He refers to the subject in a passage in his *Life of Lord George Bentinck*: "There was always some person representing some theory or system, exercising an influence over his (Sir Robert Peel's) mind. In his 'sallet days' it was Mr. Horner or Sir Samuel Romilly." It is difficult to understand why Disraeli should have taken exception to Sir Robert Peel, during his occupation of the Home Office, coming under the influence of Sir Samuel Romilly. For any minister who had ambitions to reform the criminal code or the administration of the criminal law, there could have been no mentor more fully qualified.

In view of the deplorable conditions which had prevailed so long in the Metropolis it is very remarkable that when Sir Robert Peel introduced into Parliament his scheme for a Metropolitan Police Force he encountered a violent outburst of criticism. The scheme was denounced as an insidious attempt to enslave the people by arbitrary and tyrannical methods. This new semi-

THE SOWING OF THE TARES

military force, as it was designated, was to be employed as the instrument of a new despotism. The force would serve the purpose of a standing army under a centralized authority, the terror of peaceable and law-abiding citizens. But these ill-informed views soon gave place to a more rational interpretation of the great reform with which Sir Robert Peel's name will be for all time honourably associated. Not only was the Metropolitan Police Force instituted with obvious success, but it served as a model which was quickly to be adopted by local authorities all over the country.

The Police Act of 1856 made the institution of a paid county force obligatory upon all local authorities, and the system which Sir Robert Peel is responsible for remains in broad general outline the system as we know it to-day.

CHAPTER III

THE SEARING OF THE LEAF

THE idea prevalent from earliest times and not yet eradicated in the eighteenth century was that the best deterrent to the criminal was a combination of a ferocious criminal code, ferociously administered, and a public demonstration of the retribution that awaits the malefactor. While it is true that innocence or guilt ceased to be tested by ordeals which depended upon the violation or suspension of the most elementary laws of nature, the odds were so heavily weighted against the man in the dock from the outset, that although there was a somewhat more civilized and rational method of elucidating the facts, the chances of his establishing his innocence were equally remote.

While it is generally accepted by historians that torture as a means of establishing the guilt of the arrested or eliciting evidence from that source was abolished before the dawn of the eighteenth century, this is not the whole truth. Apart from the fact that the ordinary day-to-day treatment of prisoners in the gaols of England amounted to torture of an aggravated kind, there obtained well into the eighteenth century the peculiar process of forcibly extracting information from them, known as the *peine forte et dure*, which was nothing but a mediæval torture worthy of the Spanish Inquisition. Primarily it was a drastic method of inducing the unfortunate victim to plead; like the rack, it was employed presumably for "the better bolting out the truth of the matter,"

THE SEARING OF THE LEAF

although why the truth was more likely to come out of the mouth of the man enduring exquisite agonies only the judicial authorities of the eighteenth century would be competent to explain. If guilty, Beccaria wisely observed, torture was unnecessary and if not guilty the innocent are being tortured.

As an example of this anachronistic custom, in the year 1721 two men who were indicted for highway robberies refused to plead. The court thereupon gave orders to issue the following judgment, appointed to be executed on such as stand mute :

that the prisoner shall be sent to the prison from whence he came and put into a mean room, stopped from the light, and shall there be laid on the bare ground without any litter, straw or other covering and without any garment about him *except something about his middle*. He shall lie upon his back, his head shall be covered and his feet shall be bare. One of his arms shall be drawn with a cord to the side of the room and the other arm to the other side, and his legs shall be served in a like manner. Then there shall be laid upon his body as much iron or stone as he can bear and more. And the first day after he shall have three morsels of barley bread without any drink, and the second day he shall be allowed to drink as much as he can, at three times, of the water that is next to the prison door, except running water, without any bread, and this shall be his diet until he dies.

Incidentally it is difficult to understand why in a proceeding so vile in the company of such base persons any concession should have been made to the more exacting conventions by an official order that the prisoner's loins should be girt. It is extremely doubtful that the victim derived any consolation under the circumstances from such tender solicitude for his modesty.

In this particular case the men were carried back in

PEINE FORTE ET DURE

due course to Newgate. As soon as they entered the "press room" one of them consented to plead, the other remained obdurate. The latter was therefore subjected to the press. It is on record that he bore three hundred and fifty pounds weight for half an hour, then, fifty more being added, he begged that he might be carried back to plead, which "favour" was granted. After this diabolical treatment it is not altogether surprising to learn that he was very faint and almost speechless for two days. One of the reasons he gave to the Ordinary of Newgate for enduring the press with such fortitude was that none might reproach his children by telling them their father was hanged.

In 1726 one Burnworth, who was arraigned at Kingston for murder, stood mute and was placed under the weight. For an hour and three-quarters he endured the torture and sustained a pressure of nearly four hundredweight. At last he asked for mercy. He was brought to the Bar and pleaded guilty. He was subsequently committed and hanged. Sir Robert Walpole was Prime Minister in this particular year of grace.

There is a story of another highwayman, one of Jonathan Wild's victims, who refused to plead because his fine clothes had been taken away from him, and explained that he wished to die as he had lived, like a gentleman.

Beccaria exposed the fallacy of torture when he wrote that it is confounding all relations to expect that a man should be both accuser and accused and that pain should be the test of both, as if truth resided in the muscles and fibres of a wretch in torture. By this method the robust will escape, the feeble be condemned. But the *peine forte et dure* was not the only torture which survived from the Middle Ages until more enlightened times.

THE SEARING OF THE LEAF

The most brutal form of corporal punishment, flagellation, survived in the case of men into the reign of Queen Victoria, while women were flogged until the end of the eighteenth century.

This punishment took various forms. One of the most barbarous was the flogging of the victim through the streets and the market-place. But perhaps it was not so much in England as in our first penal settlements overseas that this abominable practice was so prevalent. It was carried out with such cruelty in Van Dieman's Land that the transportees preferred the risk of almost certain death in their efforts to abscond into the trackless woods and wilderness of that inhospitable land. As for its application in the Royal Services, it is very difficult to believe that the victims could have survived the reputed severity of its application. A case was brought before the Privy Council in 1806 of a naval officer who had flogged to death three seamen on board H.M.S. *Trident*. Grey, the Secretary of State, with unconscious candour intimated that it was undesirable to draw attention to the matter.

There was an instance of a guardsman at the Tower who for being absent twenty-four hours received 300 lashes. It was not until the year 1812 that the use of the lash was limited even to 300 strokes. Leigh Hunt was indicted for condemning such barbarity in the Services, although thanks to the advocacy of Brougham he was acquitted. In this particular case, during the summing up, Lord Ellenborough, who still advocated the pillory as a reputable form of punishment for civilians, asked the somewhat irrelevant question : "On what occasion do you find the soldiery of Great Britain unmanned by the effect of our military code ? "

Nowhere was the ferocious administration of the law

I N J U S T I C E

better illustrated than in the court itself. Here the assumption was that the man in the dock was guilty unless proved innocent. Until the Treason Act of William III was placed upon the Statute Book the accused was not permitted to be supplied with a copy of the indictment before his trial, neither might he have witnesses sworn in his defence, nor counsel to advocate his cause. Until the reign of Queen Anne a prisoner put upon his trial for felonies short of treason could not insist as a right that the witnesses in his favour should be examined on oath. Indeed, it was not until the year 1836 (when the Prisoners' Counsel Act was passed) that a person accused of felony, although entitled to examine and cross-examine opposing witnesses, could enjoy the full benefit of counsel's aid in matters of law as well as of fact, and also the advantage of counsel's address to the jury.

The jurors, it is hardly necessary to observe, discharged an invidious duty under a system where the accused was assumed to be guilty, and although they were directed to form an unbiased opinion, they were not only permitted but expected to decide by the light of their own knowledge of the facts as well as by the evidence given in court. They were sometimes deliberately chosen from the neighbourhood in which the crime had been committed for this very purpose. It was not until Lord Ellenborough's chancellorship in 1816 that the maxim was definitely laid down that a judge who should tell jurors to consider as evidence their own acquaintance with matters in dispute would misdirect them.

Jurors in those days might be described appropriately enough as witnesses for the prosecution. There is a passage in the columns of the *London Evening Post*, 2nd April, 1774, in which it is asserted that in all Crown

THE SEARING OF THE LEAF

cases Middlesex juries "are allowed an elegant dinner at Appleby's and five guineas a man if a verdict be given for the Crown," otherwise they paid their own expenses. If, however, they failed to respond to treatment they did so at their cost. In Penn's case the court actually fined the jurors forty marks "for going contrary to plain evidence," in other words, finding the accused innocent. The evidence of guilt was always quite clear to the Judge, whose object was to convict and who regarded himself as prosecutor for the Crown, especially in cases of high treason. The man in the dock was a criminal, there was an end of the matter, and very often of the victim. The sentence of death was pronounced in as imposing and as vindictive a form as could be conceived : "To be drawn on a hurdle to the place of execution and there to be hanged until you be dead ! dead !! dead !!!"

Most of the judges who presided over criminal courts in the eighteenth century seem to have inherited the peculiar genius of the notorious Judge Jeffreys, whose memorable charge to his successor, Herbert, as Lord Chief Justice : "Be sure to execute the law to the utmost of its vengeance upon those who are now known by the name of Whigs," gives the measure of his impartiality as a dispenser of justice.

Sir Matthew Hale, Lord Chief Baron, at a trial at Bury St. Edmunds over which he presided, in his charge to the jury declared "that he made no doubt at all that there were such creatures as witches," and proceeded to pass sentence of death upon two unfortunate women convicted of witchcraft, which goes to prove that glaring as was the injustice of the criminal code in those days it became, when allied to ignorance on the Bench, a menace to the first rights and principles of citizenship.

If the proceedings in court were ferocious the ferocity of punishments meted out to the convicted were in

L E G A L A B U S E S

proportion to the habitual conduct of a criminal trial. It is curious how obstinately judges of the eighteenth century adhered to the doctrine that the more ferociously you dealt with the criminal the fewer citizens would stray from the paths of virtue. The result of centuries of experience which taught the reverse seems to have had no influence whatever upon their methods of interpreting our statute law.

Moreover, not only was the administration of the law ferocious, but its ferocity was inequitable. For instance, for assaults of the most cruel and violent nature the offender was seldom punished in any other manner save by fine and imprisonment, but if a delinquent stole "privately" from his neighbour more than the value of twelve pence the law condemned him to death. The standard of values is well assessed by Beccaria as "a multitude of laws which contradict each other, which expose the best men to the severest punishment, which render the ideas of vice and virtue vague and fluctuating, and even their existence doubtful."

In the eighteenth century there were many abuses that survived from the Middle Ages. Not the least anomalous was that which was known as "benefit of clergy." While numerous offences entailed the death penalty, exemption was granted by this privilege to those who could read. Women with the exception of nuns were excluded from its protection. Certain modifications of such unaccountable leniency were introduced at various times, although benefit of clergy was not entirely abolished until 1827. But the worst inheritance from an unenlightened age was the anomalous law that privately stealing property up to the value of one shilling was a capital offence, while those who deprived their neighbours of the same openly, were merely liable to the lesser penalty of transportation.

THE SEARING OF THE LEAF

Cruel as the criminal code was in the Middle Ages, it has been said that at the commencement of Henry VIII's reign there was some indication of a more merciful disposition. If so, the tendency was to be reversed by his two daughters. It was probably true of the conditions prevailing in both their reigns to say that "if a man held one opinion he would be hanged, and if the opposite he would be burnt." It was also said with some degree of truth that "you were burnt for refusing to say something which you believed to be untrue, or tortured in order that you should say something which you knew to be untrue." But harsh punishment neither in Tudor times, nor in any other period of history, seems to have acted as a deterrent. On the contrary, the original decision to incinerate heretics started a conflagration which burnt itself out only when men realized that this was not the most effective way to purge the world of heresy. Arson of such a nature was as stupid and as futile as the burning of a witch.

In the reign of Elizabeth it was even a capital offence "to be seen in any company or fellowship of vagabonds calling themselves Egyptians." Four yeomen of Medmenham, in Buckinghamshire, were accused of "counterfeiting, transforming, and altering themselves in dress, language and behaviour to such vagabonds called Egyptians and were hanged." It is true that this was anterior to the period with which this work deals, but until the reign of Queen Victoria men and women were hanged for offences little more reprehensible than consorting with "gypsies." In May, 1777, a child not fourteen years of age was sentenced to be burnt for having in her possession some farthings whitewashed to make them resemble shillings, which she secreted in her stays at the instigation of her master, who was incidentally hanged a few days previously. The sen-

tence, it is said, would have been carried into effect had not the attention of Lord Weymouth been called to the case, with the result that on his urgent intercession the child was reprieved. On the 8th August, 1750, six malefactors were hanged for robbing their several prosecutors of no more than six shillings. Buxton quotes a case much later in date of a boy of respectable character sent to prison for non-payment of one penny, to which he had been sent for a month in default of paying a fine. He was in the employ of a corn chandler and went into London with his master's cart and horse. Passing through the toll bar and not seeing anyone he went on his way rejoicing until he was arrested and thrown into Newgate.

Colquhoun, writing in 1776, says :

It will scarcely be credited that by the laws of England there are above 160 different offences which subject the parties who are guilty to the punishment of death without benefit of clergy . . . Under such circumstances the injured through compassion will often forbear to prosecute, juries through compassion will sometimes forget their oaths and either acquit the guilty or mitigate the nature of the offence—and Judges through compassion will respite one half the convicts and recommend them to the Royal Mercy.

It should have been painfully obvious to those in authority that if death is the punishment for offences both grave and trivial, there will be two disastrous consequences of this anomaly—the first is that a considerable number of rogues will be returned upon society through the misguided compassion of the more humane amongst judges, and the second that, there being practically no gradation of crime when the stealing of a piece of muslin entails the same punishment as the murder of a wife, the tendency will be for the malefactor to regard

THE SEARING OF THE LEAF

the greater crime of no more flagitious a character than the lesser offence.

There can be no better illustration than the story, as told by Harrison Ainsworth, of the murder of Mrs. Wood, the wife of Jack Sheppard's benefactor, by his companion in crime, Blueskin. It must be said in justice to Jack Sheppard's memory that the story is purely apocryphal. There is no evidence in history that, whatever else he may have done, he was ever connected either directly or indirectly with a murder. But, fiction as it is, the story serves well as an admirable illustration of the argument.

One night, so runs the story, Jack Sheppard in company with his confederate set out for Dollis Hill, where they intended to plunder the house of Jack's former employer. Entering the house with burglarious intent they broke into the bedchamber, where Mr. and Mrs. Wood were sleeping. While they were occupied in withdrawing the good man's savings from a wooden chest Mrs. Wood woke up and gave the alarm. Whereupon Blueskin, with the aid of his knife, ensured that Mrs. Wood would for ever hold her peace. If there is any moral in this story it certainly concerns the subject of this chapter. Blueskin before the murder was committed had already rendered himself guilty of an offence for which he knew the punishment was death. If he was to avoid the penalty of his first crime he decided that his only chance of avoiding detection was to silence the garrulous old lady whose vociferation would in all likelihood lead to his detection by means of a crime for which the penalty was identical with that of the crime he had already committed. Although to the moralist there might be a steep gradation of crime as between burglary and murder, there was none measured by the test of punishment, the only standard that concerned Blueskin,

THE DEATH PENALTY

who consciously or unconsciously decided, that if worst came to the worst, he might just as well be hanged for a sheep as for a lamb.

And it was not only Blueskin who in fiction made the decision. Numerous criminals in real life were actuated by a similar process of logic, and thus for this reason amongst many others there emerged the curious result that hanging, being the punishment for so many offences, far from acting as a deterrent, positively increased crime. But despite the fact that by 1752 murder had increased in proportion to the ferocity of the law, an Act was passed providing for the execution of every criminal one day after the passing of the sentence and ordering that the body should be handed over for dissection at the Barber Surgeons' Hall, Old Bailey.

While it is true to say that owing to the fact that there were as many at one time as 200 capital offences during the eighteenth century, a great many rogues who would otherwise have met their fate, were thrown loose upon society, nevertheless the statistics of the number of persons condemned to death and actually suffering the supreme penalty are truly appalling. Between the years 1749 and 1756 in the London and Middlesex area alone, no less than 306 were executed. One Townsend, a veteran Bow Street runner, in his evidence before the Parliamentary Committee in 1816, gave evidence that between 1781 and 1787 as many as twelve, sixteen or twenty were hanged at one execution. Twice he saw forty hanged in one day.

In 1783 the Secretary of State, still unable to link up cause and effect in these matters, advised the King to punish with all severity. The number of offences of a serious nature was so considerable and was so much on the increase, that a letter was circulated among the Judges and Recorders, to the effect that His Majesty would

THE SEARING OF THE LEAF

dispense with the Recorders' reports and that the worst criminals should be picked out at once and ordered for execution. But this expedient failed in its effect. Nowhere in history can a better illustration be found of Montesquieu's theory that severity of punishment defeats its own object.

After the War of Independence the country was overrun with discharged soldiers and sailors out of work and in distress, with no assistance from a government which had employed them and on behalf of which they had risked their lives. It was inevitable that crime should increase from this if from no other cause. In 1783 at the September Old Bailey Sessions fifty-eight were convicted for capital offences. The Deputy Recorder in passing sentence said it gave him pain "to behold a bar so crowded with persons whose wickedness and impudence had induced them to commit such enormous crimes as the laws of their country justly and necessarily punish with death." It was presumably as much as his place was worth to pass strictures on a government that sent soldiers and sailors to a far country to fight and then on their return cast them adrift. This senseless ferocity merely increased the crimes it was intended to obviate. In 1785 the Lent Assizes all over England accounted for 242 capital sentences, of which 103 suffered execution. At one moment there were forty-nine persons lying in Newgate under sentence of death. Boys were convicted of highway robbery. Joseph Wood and Thomas Underwood, one fourteen years of age the other twelve, were convicted of highway robbery and duly hanged.

In the course of the Parliamentary Inquiry into Newgate in 1814 a witness gave evidence as to the extreme youth of many of the prisoners.

I have [he said] in my pocket an order for the removal o

MISPLACED CLEMENCY

fifty-two who are under sentence of transportation, many of whom are seven or eight years old, one nine years, and others not above twelve or thirteen . . . they are for transportation, but they go to the hulks in the first instance. There are girls of all ages in Newgate. There was a little girl tried at the last Session but one that was not above nine years old I think. She was privately whipped by order of the Court.

As late as 1833 a sentence of death was passed on a child of nine who had poked a stick through a pane of glass in a shop front and thrusting his hand through the aperture had stolen twopennyworth of paint. This was construed as housebreaking, the principal witness being another child of nine. The boy was not executed, but the picture of a youth of such tender years passing through the awful tribulation of a death sentence is not one which we of a more enlightened age can contemplate with equanimity.

Appalling as the death-roll of Tyburn Tree is to our generation, the fact that capital punishment was so easy to come by had the effect we have observed in a former paragraph of releasing without let or hindrance a great many who were the enemies of society. Clemency even in that cruel age was on this account often exercised. As Beccaria rightly adjudged, this frequent application of mercy amounted to a tacit disapprobation of the laws.

Colquhoun observes in commenting upon this peculiar consequence of a ferocious code that

no sooner does the punishment of the law attach to a criminal than humanity becomes his friend. Pardons are applied for. The King's clemency is abused by depraved agents who have recourse to every species of falsehood and forgery, plundering at the same time the friends and the relations of the prisoner as the wages of his villainy and misrepresentation.

Pardon in some cases was granted to convicted men

THE SEARING OF THE LEAF

on joining the Services. But this concession was frequently abused by desertion or by obtaining discharge on the plea of some pretended physical incapacity which enabled them to return to their former evil practices.

It is said that banking gave rise to the crime of forgery, which was made a capital offence. The circulation of small notes and increase of wealth certainly provided favourable conditions and opportunities for the expert in this particular line of business. Few guilty of this practice, it is said, could hope to escape the gallows. Between 1805 and 1818 there were 207 executions for forgery. As many as seventy-two of these were the victims of proceedings instituted by the Bank of England. But had capital punishment for forgery been invariably carried into effect, there would have been an average of about four executions daily for that particular offence in Great Britain and Ireland alone. But the police, being many of them thieves turned thief-takers, either moved to compassion from a fellow feeling or a more substantial motive, connived at the escape of those they pretended to secure. Juries hesitated to convict and seized upon any pretext to be lenient, as indeed they often displayed themselves in cases of larceny for the very same reason. There is a typical case recorded in the year 1808 of a woman indicted on a charge of stealing privately from a dwelling-house a ten-pound note. On this occasion the jury deliberately assessed its worth at thirty-nine shillings. These violations of their oaths by jurymen, it was said, became so frequent that they occasioned no resentment and were overlooked as a pious fraud.

Even judges in the face of these circumstances displayed the quality of mercy. Respite and reprieves were often granted when cases of conviction were considered by the Privy Council. The punishment was so

FORGERY AND ITS CONSEQUENCES

certain that humane persons refrained from prosecuting. Instances are recorded of bankers compromising with the delinquent rather than be responsible for his death. The prosecutor would sometimes pretend that his pockets had been picked of the forged instrument or that he himself had destroyed it. The aggrieved persons went so far as to meet forged bills of exchange rather than be responsible for the death of the forger. Some prosecutors forfeited their recognizances rather than appear in court.

So great were the efforts to prevent the law taking its course that one Gibson, who had been found guilty of forgery, was in Newgate eighteen months between conviction and execution, the jury having found a special verdict for the determination of twelve judges, who ultimately decided his crime came within the meaning of the law.

Thus crime continued steadily to increase in spite of the awful consequences of detection. It was probably forgery and its punishment that first led to an effectual agitation in influential quarters outside government against the ferocity of the law. Among other cases which brought the matter to a head was that of a young and hitherto guiltless woman of the name of Harriet Skelton, who was sentenced to death for forgery. Her behaviour in prison was unexceptionable. Some of her companions in guilt were heard to say that they supposed she was chosen for death because she was better prepared than the rest of them. Her circumstances evoked the most lively compassion, and as a result various distinguished persons came to visit her in the condemned cell. Mrs. Fry enlisted the sympathy of the Duke of Gloucester on her behalf. His Royal Highness, after visiting her himself, applied to Lord Sidmouth and the Bank of England directors, who had power under the

THE SEARING OF THE LEAF

Act of Parliament to select such persons as they considered fit subjects to plead guilty to the minor count and so escape death.

In 1770 a Committee of the House of Commons had reported that for certain offences the penalty of death might with advantage be exchanged for some other reasonable punishment, but no effective action seems to have been taken.

In the report from the Select Committee on the State of the Police in the Metropolis, 1816, occurs the following comment upon the administration :

The severity of a criminal code which inflicts death on upwards of 200 offences acts very unfavourably on the mind of the juvenile delinquent, for while the humanity of the present age forbids the execution of the greater part of these laws, the uncertainty of their operation encourages the offenders to calculate, even if convicted, on a mitigated punishment ; but if the laws have no tendency to prevent crime, it is truly shocking to witness the direct facilities which the vicious inclinations of the delinquent receive from the system on which the police of the Metropolis is now conducted . . . The practice of holding out rewards for the apprehension of criminals in proportion to the enormity of their guilt, stimulates the officer to overlook the minor depredations of the incipient thief, and often might lead to an early arrest in his course but for the principle on which it becomes the interest of the officer that the young offender should continue in iniquity until he attains maturity in crime. The encouragement which the police officers give to those pestiferous haunts, termed "flash-houses," to which they themselves are accustomed to resort, is a very serious evil ; in these nurseries of crime are to be found the most experienced and notorious thieves ; boys and girls from nine years of age, women of the most profligate description, associating indiscriminately and mixing with the very men who are employed for the preservation of public morals. . . .

TREATMENT OF DEBTORS

Dreadful therefore is the situation of the young offender, he becomes a victim of circumstances over which he has no control—the laws of his country operate not to restrain, but to punish him. The tendency of the police is to accelerate his career in crime.

Enough evidence has been reproduced already to convince the reader that the administration of the criminal law in the eighteenth century was utterly barbaric, but there remains one other subject which is most appropriate to this chapter. The treatment of debtors was perhaps the most conspicuous example of the unenlightenment of those times. Nothing could have exceeded the insensate savagery which characterized the attitude of the law towards these defaulters, the majority of whom were victims of circumstances. It is the case, no doubt, that there have always been two distinct categories of debtor—on the one hand the man who is merely insolvent, often as not through no fault of his own, but who has been guilty of neither felony nor misdemeanour; and on the other hand there is the fraudulent debtor, who has deliberately imposed upon his creditors. But in the eighteenth century there was no distinction made between insolvency and fraud.

It is true that no exception can be taken to a debtor who is guilty of a fraud being made to suffer for his offence, but to make the number of shillings in the pound which he may be able to pay the criterion of his guilt or innocence was anomalous in the last degree. To condemn as a crime what in nine cases out of ten was misfortune is one of the worst aspects of the ferocity of the law. The debtor, for whatever reason he may have been such, was treated without exception as a criminal, and the treatment he experienced in the debtors' prisons was as barbarous as that meted out to the worst felon in Newgate.

THE SEARING OF THE LEAF

The debtors' prisons in the eighteenth century and the early years of the nineteenth were a byword. The inmates were allowed to surround themselves with their women and children, who were thus early brought into contact with the most evil influences. The filth and squalor of the buildings, the depredations upon the unfortunate debtors practised by those set in authority over them, the drunkenness and other vices allowed free vent, the promiscuous association between the sexes, the overcrowding, the want of necessities, much less comforts, all compose a picture which to the modern mind was as revolting as it was ineffectual.

In virtue of the fact that a somewhat detailed account of the conditions of the English gaols in the eighteenth century is given in a later chapter, and in order to avoid an unnecessary multiplication of these horrors that will merely serve to nauseate the reader, it is sufficient for the purpose to observe that the debtors' prisons and the sections of the ordinary gaols devoted to debtors were as vile as they could be, and that all the strictures which apply to other gaols are appropriate in double measure to both the prisons exclusively set apart for debtors and those sections of ordinary prisons devoted to their use. But in order to illustrate the great abuses of the administration of debtors' prisons during the first period of the eighteenth century reference must be made to the type of Warden into whose hands the fate and health of the debtors was entrusted. In the case of the evidence given before a Parliamentary Committee set up in 1729 to inquire into the London prisons, the following facts were elicited concerning one of the Wardens of the Fleet, Bainsbridge by name. Like most of his vile fraternity he charged exorbitant fees and abused his trust in every possible way in order to extract money from his wretched charges. He kept no account books. Among his mal-

WARDEN OF THE FLEET PRISON

practices was one of registering the prisoners as long as he thought fit on the Committal Book by issuing an escape warrant against them, and thus detaining them until he had extracted the uttermost farthing. On the other hand he aided escapes from prison for those who could pay for that privilege. Sometimes he refused to admit prisoners to the ordinary side of the gaol, insisting that they should occupy what was termed the spunging house at exorbitant fees. He would also force the inmates to call for liquor and to spend upon it more than they could afford. He treated each prisoner in accordance with his means, some being allowed a handsome room and bed to themselves, some being stowed away in garrets three in a bed, or even put in irons. There was an instance given in the course of evidence before the Committee of one man who finally revolted against the Warden's rapacity. This bolder spirit was returned to the spunging house, where smallpox was then raging. Even the Warden's creatures protested against such an outrage, but the man was sent there, where he contracted the smallpox of which he died, leaving all his affairs in the greatest confusion and a numerous family of small children in the utmost distress.

The Warden was in the habit of letting out Fleet tenements to victuallers for the reception of prisoners. He let one of these to a woman tenant. The rent was increased from £32 to £60 a year, with a promise of a certain number of prison clients, and the woman was compelled to make Bainsbridge in addition a present of £40 and a model silver ship he coveted "for which four score broad pieces had been offered her." It was even said of him

that it is not the only design of the said Thomas Bainsbridge to extort money from his prisoners, if they survived his inhuman

THE SEARING OF THE LEAF

treatment, but he seems to have a further view, in case it causes death, of possessing himself of their effects.

It is some consolation to reflect that this miscreant, as a result of the revelations before the Committee, was thrown into Newgate. But the fact that the Executive was so utterly careless of the administration in this country as to appoint such a man to a position of great responsibility is a measure of the corruption and the degeneracy of those days. When Bainsbridge was Warden of the Fleet Sir Robert Walpole was Prime Minister.

The Marshalsea, another of the prisons devoted exclusively to debtors, was as vile in its domestic economy as the Fleet. On the Common Side there were 320 prisoners at the time the Committee sat, most of them in the utmost need. Some were locked up thirty to fifty in a room of 16 feet square, although there was a large room kept empty and another let as a workroom for a tailor. Half the prisoners used hammocks, the rest the floor. They were locked up from 9 p.m. to 5 a.m. in summer, and in winter from 8 p.m. until 8 a.m. They were not allowed out for any purpose. The food rations were of the scantiest.

When the miserable wretch hath worn out the charity of his friends, and consumed the money which he hath raised upon his clothes and bedding, and hath eaten his last allowance of provisions he usually in a few days grows weak for want of food, with the symptoms of hectic fever, and when he is no longer able to stand, if he can raise 3d. to pay the fee of the common nurse of the prison, he obtains the liberty of being carried into the sick ward, and lingers on for about a month or two, by the assistance of the above-mentioned portion of Providence and then dies.

In the women's sick ward many lay on the floor with no bedding, perishing of extreme want. The men's

ABUSES OF THE FLEET PRISON

ward was overcrowded. The death-rate was appalling. The proceeds of charities were grossly perverted by the gaolers.

Benevolently disposed persons would come to the prison and pay for the release of the inmates by settling their debts. The gaoler and his friends would present to them a number of "dummy" debtors, for whom they received payment and employed them in this way over and over again as a source of income.

Even the practice of sending out persons with begging baskets for the debtors was turned to a source of profit by their gaolers. The prisoners saw little of the food and the money not at all.

Torture by thumbscrew and other methods was by no means unknown. The gaolers acted as self-appointed magistrates, and not only decreed punishment but carried it out unmercifully. "Numberless are the instances of their immoderate beating poor debtors, at their pleasure; in so much that the very name of the instrument, hanging up in the lodge, for beating the prisoners, became a terror to them." Even this was not enough, as "they found a way of making within this prison a confinement more dreadful than the strong room itself, by coupling the living with the dead." One victim was kept in a yard with two dead bodies which had been there for four days. Instances of the abominations which were discovered in these gaols are innumerable in the state papers which record them.

Although the Marshalsea prison was specially devoted to debtors, there were debtors' sections in Newgate, the Fleet, Ludgate, Giltspur Street and the Borough Compters. Neild, when he visited Newgate, found men and women who had been there any period of time up to thirteen years for debts of a few shillings.

It was not until the end of the eighteenth century that

THE SEARING OF THE LEAF

there was any publicly expressed resentment against the atrocious legal abuses so utterly discreditable to government, and even then only a mere handful of Members of Parliament dared or cared to give it expression. Amongst these one stands out pre-eminent. No history of the reform of the ferocious penal code would be complete without mention of the remarkable part played by one of the greatest of English philanthropists, Sir Samuel Romilly. His name has been deservedly rescued from comparative oblivion by Mr. C. G. Oakes in an admirable biography of this "vastly amiable man." Born in 1757 of Huguenot extraction he had gradually built up a successful Chancery practice. Entering Parliament in 1802 he was appointed Solicitor-General in 1806, and thereafter devoted himself amongst other useful preoccupations to the reform and the mitigation of the criminal law. Drawing his inspiration from Montesquieu he believed that the first guiding principle of any such reform must be the certainty of punishment.

No man would steal [he observed] what he was sure that he would not keep; no man would by a voluntary act deprive himself of his liberty, though but for a few days. No man would expose himself to certain disgrace and infamy without the possibility of gain. It is the desire of a supposed good which is the incentive of every crime.

The second reform he suggested was that there should be some guiding principle for judges by which there might be uniformity as to the severity and the appropriateness of the punishment. Two men might be guilty of the same offence, one might be sentenced to two or three months' imprisonment, the other to transportation, and the latter might be still waiting for transportation to Botany Bay when his comrade in crime had already been released.

Samuel Romilly, from the moment that he found

SIR SAMUEL ROMILLY

himself in a position of authority and influence, set himself to procure reform of these glaring abuses by definite action, but during the whole of his public career he fought against overwhelming odds. Time after time he introduced bills into the House of Commons, mainly with the object of decreasing the number of capital offences. Either his bills were defeated in the first instance, or if they passed the Lower House they were defeated in the Upper. Always ranged against him in his philanthropic efforts was the powerful influence which both Lord Eldon and Lord Ellenborough brought to bear against any measure of progress or improvement. These two reactionary peers both owed their rise to the highest posts at the Bar, the one Lord Chancellor and the other Lord Chief Justice, to their great abilities, their untiring industry as students of law, but both are conspicuous examples of men of great knowledge and ability without any vision or human sympathy. Consistently and violently and successfully they opposed all reform. To Romilly's pleading they were completely deaf. Amongst Romilly's papers was found a prayer in his handwriting in which occurs the phrases : "I am indulging the hope that I may at some time prove an humble instrument in the divine work of enlarging the sphere of human happiness." It was apparently the mission in life of Lords Eldon and Ellenborough to keep it contracted. Certain it is that they foiled Romilly's ambition. When he died, however, he bequeathed his mantle to Sir James Mackintosh and Sir Thomas Fowell Buxton, who by their persistent efforts carried out his intention to mitigate the ferocity of our criminal code. The completion of the work devolved later upon Sir Robert Peel, but true history will always associate the eradication of ferocity from our criminal administration with the honoured name of Sir Samuel Romilly.

CHAPTER IV

THE FORCING HOUSE OF CRIME

THE inquisitive tourist who sets forth to discover any trace of Newgate Gaol upon the traditional site will be grievously disappointed. Even its exact position relative to the existing streets is not easy to determine, so fundamental a change has the whole neighbourhood and its environment undergone in recent years. Of the old building every vestige has vanished. On the wall of the palatial new Sessions House facing Newgate Street is affixed a blue enamel plaque recording the bare information that this was the site of the famous gaol. It is perhaps as well for the good repute of the Corporation of the City of London that no further detail is vouchsafed to the wayfarer of its history. But it is to be deplored that the architect of the new Old Bailey could not have seen fit to incorporate at least the famous gateway into his own design. Like others of his calling he seems to have been deficient in that sense of historical association which might have prompted him to preserve some trace of the original to assist our imaginations in conjuring up the past.

It is also conceivable that the Corporation of London was not over-anxious that the story of Newgate should be perpetuated in tablets of stone, and preferred to commence a new era with complete obliteration of the past. And yet if the glorious deeds of former generations of mankind are to be commemorated as an example to posterity it is legitimate to suggest that some mem-

NEWGATE

orial of our evil deeds should be perpetuated as a warning.

No two streets in London are more instinct with the history of its social life from earliest to contemporary times than the Old Bailey and Newgate Street. They present to-day an aggressively modern aspect. Vast garish structures, no doubt in themselves of some architectural merit, have taken the place of much that would, had they survived, been fascinating and instructive to the student of our domestic history. The houses in the modernized Newgate Street suffer from that lack of uniformity which renders so many of our thoroughfares in London hideous. But even deprived of any assistance to his imagination the least sentimental cannot fail to pause at the junction of these two famous streets to indulge in retrospect. Within an acre or so where he stands there has been concentrated for a thousand years more of human misery, torture and degradation, more of cruelty, lust, and oppression, than any other given space in the three kingdoms.

It is not the purpose of these pages to give a detailed history of Newgate Gaol from its first vague origin of a small lock-up in one of the ancient gates of the City, or to trace it through all its various evolutions, but rather to subject it to examination from the dawn of the eighteenth century, a period when England was presumed to be civilized.

For 800 years it served as the principal Metropolitan gaol. Throughout that period until 1903, the date of its final demolition, discounting various minor modifications, there were four different buildings upon approximately the identical site. The first was evolved out of one of the ancient City gates. The second, which was erected incongruously enough with the moneys bequeathed by Sir Richard Whittington to be employed for

THE FORCING HOUSE OF CRIME

good works, was partially destroyed by the Great Fire in 1666. The third, constructed upon the ruins, endured until 1770, when it was rebuilt, the reconstruction being interrupted by the Gordon Riots. The fourth, which although encased in the same shell was completely reconditioned within, was commenced in 1857. It might be conceived, therefore, that an historical account of Newgate and its administration would naturally divide itself into four separate chapters, but the truth, attested to by John Howard himself, and by later reformers, is that, in spite of material reconstructions, the atrocious abuses of the seventeenth century were for the most inherited by the eighteenth century, and survived well on into the nineteenth century until Newgate became merely a place of detention for those awaiting trial. It might have been said of Newgate at any time during its existence: “Plus ça change, plus c'est la même chose.”

The sources from which the necessary information can be drawn are meagre enough until Howard made his courageous investigations into its abuses, for the very sufficient reason that neither sheriff, magistrate, nor anyone else cared or dared to make a visit of inspection within the precincts. In fact, there can be no more perfect example of a vicious circle than that while gaol fever acted as a deterrent to the responsible authority to survey the domestic economy of Newgate, gaol fever might have been exterminated if only that same authority had inspected Newgate. Not until the year 1777, when John Howard, a layman, revealed the detestable condition of our gaols to the world was the public conscience aroused or the public authorities stirred into any kind of activity by which the scandal of the Metropolitan prisons could be terminated.

There was only one sound principle upon which

SECURITY OF THE PRISON

English prison administration of the eighteenth century was conducted, but its application was so brutal and cruel as to render nugatory much of its essential value. That principle can best be summed up by Howard's caustic comment, "the builders of Old Newgate seem to have regarded in their plan, nothing but the single article of keeping prisoners safe in custody." The security of the gaol and the durance of the prisoners was indeed so well provided for as to relegate to secondary importance both their physical and their moral welfare. The walls on this account were of colossal thickness. Apertures which might have permitted a modicum of light and air were few and far between. Until the construction of the last gaol the felons' side and the common debtors' side were so dark, thanks to the overriding consideration of obviating any means of escape, that it was necessary to use links and burners all day long. Except in what was called the Press Yard, artificial illumination was necessary both by day and night. The temperature of the interior was so frigid, owing to the fact that security precluded any firing for heating purposes, that the few apertures open to the air which existed were normally closed.

Nothing could have been more inappropriate from every point of view, and more especially from the point of view of sanitation, than the site itself of Newgate. The foundations of the new gaol were estimated in 1766 to cost £19,000, as it was necessary to sink them to a depth of 40 feet, the site being that of the ditch of the old London Wall.

But the health of the prisoners was of no account whatever to the Corporation of London or to anyone else. What primarily signified was that, whether the occupants of these foul dungeons lived or died, the fortress which contained them must be rendered impreg-

THE FORCING HOUSE OF CRIME

nable from within and from without. It is true that in 1750 the Corporation of the City of London, moved by a letter from the Lord Chief Justice, appointed a Committee to suggest "the best means for procuring in Newgate such a purity of air as might prevent the rise of those infectious distempers." But in case it might be inferred that such a step was taken out of any tender solicitude for the health of the prisoners, it must be remembered that the famous gaol fever, probably a form of typhus, contracted from the lack of air and light which the security of the prison necessitated, had spread to an alarming extent outside the walls of the gaol itself. The distemper, in fact, was broadcast both in the courts, where the prisoners coming straight from this fever-laden atmosphere stood their trial, by visitors to the gaol who caught the infection, and by the discharged prisoners, mainly those drafted into the Services, who disseminated its ravages far and wide. At one period of our history the ex-prisoners carried the infection on board His Majesty's ships and imparted it to the Navy. It is recorded that the first English fleet sent to America lost by this means no less than 2,000 men. In the year 1750 at the Old Bailey Sessions Court, which was only 30 feet square, on the occasion of a particularly heavy gaol delivery the matter came to a head. There had been a severe outbreak of fever in the gaol itself. The court was in direct communication with the bail dock and the rooms beyond, whence an open window carried a draught poisoned with infection towards the occupants of the Judges' Bench. Of these, four were seized with the fever and died. Others, including under-sheriffs, bar and jury, to the number of forty, also succumbed. At the Lent Assizes in Taunton in 1730 prisoners infected the court with the result that the Lord Chief Baron Pengelly, the Sergeant (Sir James Sheppard) and the

THE VENTILATOR

Sheriff all died. In 1750 the Lord Mayor and some of the aldermen met with the same fate from an identical cause. It is not very surprising, therefore, that the Corporation, more solicitous for its own well-being than for that of those for whom it was responsible, took alarm and set up a Committee of investigation. But even so, the security of the gaol, the only sound principle upon which it was administered, must be their first concern. No drastic or fundamental reform of the prison was therefore effected, in spite of these disastrous occurrences. The net result of the Committee's deliberations was a pill for an earthquake. It was decided to reconstruct the ventilator. The unfortunate workmen who were employed for this purpose, in opening one of the tubes of the old ventilating system, were so over-powered by the excruciating stench which arose therefrom that they had to be removed to hospital.

One of the workmen, a lad of fifteen, who had been forced by his fellows to go down the shaft, on emerging into the open was immediately attacked by sickness. A peculiarity in his case was that he had been twice let down into the ventilator when the machine on the leads had been standing still, and he had suffered no ill effects, but the last time it was in motion the heavily laden atmosphere drawn up from below had wellnigh poisoned him and two others who had dragged him out of the shaft.

It was in this fœtid atmosphere that the prisoners down below lived and moved and died. But their security was all that mattered to the Corporation of London. Incidentally, the new ventilator was of so little practical value that in 1757 the unfortunate residents in the immediate neighbourhood of Newgate petitioned the Corporation, setting forth their apprehensions that the stenches proceeding from the gaol were prejudicial to the health of the vicinity. Again a Committee was set

THE FORCING HOUSE OF CRIME

up, but as its recommendation was to the effect that nothing short of an expenditure of £40,000 would be of any avail, and as the Chancellor of the Exchequer hinted that no public money would be forthcoming for that purpose, the Corporation, unwilling to provide the necessary finance itself, did nothing. At any rate, the prisoners were secure.

But the bastioned walls and the heavy iron bars were not the only medium of security in Newgate. Upon the prisoners themselves were imposed fetters of iron. The precaution of ironing a felon had existed from times immemorial, but in spite of the fact that no less an authority than the Chief Justice, Coke, gave his opinion at the commencement of the seventeenth century against the legality of irons, all felons were ironed at Newgate and at other gaols for many years to come. The Prison Discipline Improvement Society reported that as late as the year 1823

prisoners at one county gaol are double ironed on first reception, and thus fettered are at night chained down in bed, the chain being fixed to the floor of the cell and fastened to the leg fetters of the prisoners. The chain is of sufficient length to enable the prisoners to raise themselves in bed. The cell is then locked, and he continues thus chained down from 7 o'clock in the evening until 6 o'clock the next morning. There were but two gaol deliveries in this county for the year—so a prisoner may continue to be thus treated for from six to eight months and then be acquitted as innocent.

Dr. Dodd, George III's unfortunate chaplain, and friend of Dr. Johnson, whose improvidence induced him ultimately to commit forgery, complained of the sound of the rattling chains which added so much to the horror he experienced in the grim cells and passages of Newgate.

Quite apart from the obvious reason for securing a prisoner hand and foot with irons, there was another

THE IRONING OF PRISONERS

excuse for the infliction upon him of this painful and degrading operation. Throughout the eighteenth century there was no prison uniform. Those who were thrown into Newgate, many of them in verminous rags, save for a small amount of clothing distributed as a charitable gift, doubtless on condition of a fee being extorted, continued in their forlorn condition with nothing to differentiate them from the motley crowd of visitors that swarmed day by day in the yards. It was necessary to set some distinguishing mark upon the permanent inhabitants of the gaol. Irons were considered therefore doubly appropriate. They confined the prisoner's movements and they prevented him from passing himself off, or indeed taking himself off in the guise of a visitor.

There is no doubt that the ironing of a prisoner was a terrible hardship. Apart from the fact that fetters of this sort degrade the human being to the level of the brute beast, such means of securing him are physically cruel. Irons weighing sometimes as much as eight pounds were imposed upon men and women, most of them in a weak condition of health, making walking or sleeping difficult. Moreover, there is little doubt that the evil custom known as "the choice of irons" was prevalent. In other words, the weight of the irons depended upon the amount of the bribe offered to the gaoler.

While the principle of security, upon which the administration of Newgate was conducted, had it been more humanely applied, would have been legitimate enough, there were many other principles of the most questionable kind which served as the basis of the day-to-day life in the prison. The most comprehensive and the most far-reaching in its evil effects was the principle of corruption, which penetrated the whole government of the gaol.

THE FORCING HOUSE OF CRIME

It is perhaps hardly surprising when we learn that in 1718 the Earl of Macclesfield, the then Lord Chancellor, practically admitted to having sold the office of Mastership in Chancery to presumably the highest bidder, to having connived at the fraudulent disposition of the property of suitors by men whom he had corruptly appointed on the grounds of ancient and uninterrupted usage, that far lesser luminaries in the administration of justice and its consequences should have indulged in the same lucrative process upon identically the same pretext. From the top to the bottom of the gaol administration during the eighteenth century, we discover the vilest system of corruption at the expense of the unfortunate prisoner in every department of its domestic economy. Turning gaols to profit underlay the whole system of prison management. While there may have been exceptions—very rare indeed—in the various grades of prison officials, a general accusation can be made with historical accuracy.

Of all the governors of Newgate during the last 200 years of its existence as an ordinary prison, Mr. Ackerman, to whose kindness and consideration James Boswell pays a tribute, stands out as the one most above reproach. It was he who submitted to John Howard a table of fees which was given to him for his direction when he commenced upon his official duties, as if the exaction of them were part of his legitimate functions. The taking of fees had thus become almost a matter of official routine. But corruption did not start with fees in gaol, it commenced with the worst abuse of all, the sale of office. In the history of Newgate £3,000 had been paid to the keeper for the purchase of his office, and as much as £5,000 was paid to Lord Clarendon by Jack Huggins, an infamous character, to obtain the keepership of the Fleet for him-

CORRUPTION IN THE PRISON

self and his son. Truly has it been said that "He that sells a gaoler's place sells the liberty, the estate, the person, nay the very lives of the prisoners under his jurisdiction."

How long this practice of auctioneering the Governorship of Newgate Gaol continued it is difficult to estimate, for these things are done in secret, but to judge by the type of man who was appointed to the office it must have been looked upon as fair game by the dispenser of patronage and the place-hunters during the whole of the eighteenth century. Although admittedly not entirely typical, we have the instance of the Governor Cope, who, if he did not owe his position to corruption, owed it to no other qualification.

The chief turn-key, the official warders, and those convicted promoted to a position of warder, day in and day out practised the most barefaced system of corruption.

An example of how both the Governor and the subordinate officials of Newgate were able to turn their offices to some account beyond the receipt of legitimate emoluments comes down to us from the pen of the author of the *History of the Press Yard*. In a graphic description of his experiences he relates how, after being mulcted for drink and "garnish" (to be hereafter explained), he was thrown into the condemned hold. Of a sudden he heard a voice from above coming through a trap-door in the ceiling :

Sir, I understand that your name is —— and that you are a gentleman too well educated to take up your abode in a vault set apart for thieves, parricides and murderers. From hence criminals after sentence of death are carried to the place of execution, and from hence you may be removed to a chamber equal to one in any private house where you may be furnished with the best conversation and entertainment, on a valuable consideration.

THE FORCING HOUSE OF CRIME

His deliverer informed him that he had once been in a similar situation, and that a fellow feeling, plus the opportunity for profit, accounted for this act of humanity on his part. At the lodge, the author continues, "we gave our service to one another in a glass of wine drawn by Dame Sparling, the fat hostess who kept the tap in the lodge." Terms were fixed for £20, and he soon found himself in the Governor's lodge taking a glass of arrack with Mr. Pitt, who saw to it that for a further consideration he was provided with clean sheets in a "somewhat barrack of a room" but better than any association with pickpockets "in a dark and stinking cellar."

Felons who could pay the price were permitted, irrespective of their character or offences to purchase the greater comfort of the master's side. The keeper naïvely declared that thanks to the parsimony of the Corporation he could not pay the salaries of the turnkeys and servants nor keep the prison going at all without these particular extortions. The occupants of this side, save for the ration of bread, supported themselves by paying fees for candles, coals, and other modest requisites. The best accommodation was reserved for the prisoners on the state side, from whom still higher fees were exacted to swell the revenue of the prison. Not the least pernicious feature of this abuse was that for this purpose unwarrantable demands were made upon the women's quarters. The luxury of the state side was open to all who could pay. Prisoners paid for four beds to secure the privilege of a private room. Sometimes the keeper would let out a portion of his own house, as much as £30 having been given for the concession. These facts, of course, deal with the less seamy side of gaol corruption and its less injurious aspect. Here we have an illustration of the rich man able to pay for superior

G A O L F E E S

quarters, and being all the better in mind and soul for such an advantage over his fellows. But a far worse consequence of the prevalent corruption was the plight of the indigent who were unable to afford the gaol fees. Witness is borne by the two first inspectors appointed in 1835 that in the middle yard, where the worst felons were accommodated, to this effect :

We have reason to fear that poverty, ragged clothes, and an inability to pay the ward dues, elsewhere exacted for better accommodation, consign many of the more petty and unpractised offenders to this place, where they inevitably meet with further contamination from the society of the most abandoned and incorrigible inmates of the gaol.

Every new-comer to the gaol, rich and poor alike, was called upon to pay a fee known as "garnish." The committing words were "pay or strip." Some who had no coin of the realm were obliged to forfeit part of their own clothing, and then if they had no bedding or straw, as might sometimes be the case, contracted chills and often died of the effects of such privation. It is interesting to note that in 1730 four prisoners were sentenced to death for this practice. The keeper had no control over the prisoners' garnish money. They used it to eke out the scanty supply of coal supplied by charities. Those not paying "garnish" would be driven away from the fires, such as they were, and would be denied the use of candles, pepper, salt, etc., which were bought with the proceeds from this nefarious practice, and would be made to wash and sweep the wards.

Below the turn-keys, who not only purchased their situations but supplemented their salaries with fees, there were unofficial guardians chosen from the prisoners themselves. Both on the felons' and on the debtors' sides a so-called steward, one of the prisoners, was elected by the whole body from a panel of six whom

THE FORCING HOUSE OF CRIME

the keeper nominated. This steward was almost supreme in his special sphere of activity. All the allowances of food passed through his hands, he collected garnish and distributed charity grants. He had for his own consumption a double allowance of bread deducted from the too limited ration of the rest.

Nothing was more disgraceful in the domestic economy of Newgate than that, far from there being any system of rationing provisions by properly constituted authority, this function was left to convicted felons. The food, grossly inadequate from the start, was issued weekly in bulk. It was imperfectly cooked before a ward fire, scrambled for, and then gluttonously devoured by the half-starved inmates. Broken victuals were brought in from city shops, which barely preserved the indigent prisoners from starvation.

Under the stewards there were captains of wards, chosen in the same way and performing analogous duties. They bought office from one another. Cases are recorded of the place of wardsman being sold for considerable sums. So valuable were they deemed that as much as £50 was offered to the keeper for the post, which he was no doubt able to turn to substantial profit. These underlings measured food with fees, one of the methods by which they reimbursed themselves for the price they had paid for their authority in the first instance.

The first two inspectors, Mr. Crawford and Mr. Russell, have something to say of these wardsmen in their report. They found that prisoners had their places assigned to them by the inner gatesman, himself a convicted prisoner, and a wardsman, or responsible head of a room.

So great is the authority exercised by him and so numerous were his opportunities for showing favouritism that all the prisoners may be said to be in his power. If a man is poor or

THE WARDSMEN

ragged, however inexperienced in crime, or however trifling may be the offence for which he has been committed, his place is assigned among the most depraved.

The wardsmen were on the most intimate and familiar terms with the turn-keys, who sometimes complained that these old prisoners had more power than themselves. It was said that the prisoner had “more fear of the power of the warden to injure him than confidence in the Governor’s power to protect him.” This must have been so when the Governor was as incompetent a rogue as Cope seems to have been. The wardsmen had every sort of privilege in comforts, bedding, etc., and they even made money out of drawing briefs and petitions for their fellow-prisoners.

Not the least glaring instance of corruption in gaol was the sale of immunity from irons. Although the gaoler on his appointment swore before the Lord Mayor and Aldermen that “neither he nor any of them shall take fines or extortionate charge from any prisoner by putting on or taking off his irons,” the practice was chronic. Until a short while before the closing of the gaol irons were placed on new arrivals and removed only on payment of fees. They were of course refettered preparatory to their appearance in the Old Bailey.

The imposition of fees left prisoners destitute on their discharge, without funds to support them in their first struggle to recommence life with character ruined, and bad habits and health contracted in gaol. But fees and extortion pursued them even on discharge. As early as 1732 the Corporation of London had promulgated an order that all prisoners acquitted at the Old Bailey should be released without fees. In 1774 a law abolishing fees was passed. But the law was openly evaded by the clerks of assize and clerks of the peace, who declared

THE FORCING HOUSE OF CRIME

that their fees were not cancelled by the Act. In one case at Durham Assizes in 1775 the keeper was fined £50 for detaining an acquitted prisoner, but the fine was remitted on explanation. In another, regulations were evaded on the pretence that the prisoner could not be released until Judges left town, as there might be other indictments, or, if this plea was too specious, it was held necessary that they should be taken back to prison to have their irons knocked off.

The broad general principle upon which the day-to-day administration of Newgate was conducted was that all criminals of whatever age or sex were alike and must, subject of course to their ability to pay fees, have the same treatment and be associated together. To our own generation, which conducts the prison system on the basis of the most comprehensive scheme of classification, it is almost inconceivable that for centuries in the principal gaol in the City of London there was no attempt to introduce the three most elementary forms of classification—that of age, of sex, or degree of crime.

It is safe to say that in Newgate before 1812 there was no classification so far as crime was concerned. The middle yard within its limits was supposed to be appropriated to felons and transports. Each ward was calculated to accommodate twenty-four, but owing to the number of those awaiting transportation it often rose to forty, the balance sleeping on the floor. Associated with these convicted felons were often to be found numbers of juveniles and even infants of tender years. Boys were often kept here three to four weeks awaiting trial for quite trifling offences, tossing in the streets, etc. Buxton found seven or eight children, the youngest barely nine, the oldest only twelve or thirteen, exposed to all the contaminating influences that surrounded them night and day.

CHILDREN IN NEWGATE

The Select Committee that reported on the Metropolitan Police in 1812 included in its summary the following indictment :

It is scarcely possible to devise a system better calculated to vitiate and corrupt than the mode in which juvenile offenders are thus confined—the number of boys are mixed indiscriminately together from the ages of 8 to 16 or 18, exhibiting a great variety of character and differing in degrees of guilt, the tried and the untried, and the first offender with the hardened convict.

Some of them were only nine, ten or eleven years of age.

No one but those who have witnessed such painful exhibitions can be aware of the pleasure which the older thieves take in corrupting those who have just entered vicious courses, by the detail of their exploits, the narrative of hair-breadth escapes, the teaching of technical phrases ; all of which are great allurements of the idle and the resource of the desperate, and serving to enliven and dispel the solitude of the prison.

Even after the publication of the report of 1814-15 the boys, although kept as far as possible apart from the men, were not classified as between themselves. Hence, in one long room which they occupied and used for all purposes, the older and more vitiated boys were still able to exercise a baneful influence upon the young and innocent. From the Inspector's report on Newgate in 1835 we still have evidence of a reprehensible want of classification. Although the prison population had fallen, the authorities, doubtless for their own convenience, closed one portion of the gaol and crowded up the other. The same indiscriminate association therefore continued, the convicted and the untried, the felon and misdemeanant, the sane and the insane, the old and the young. Perhaps the most flagrant example

THE FORCING HOUSE OF CRIME

of this complete neglect of the morals of those under the control of prison authority was the fact that men charged with and convicted of unnatural offences were shut up with lads of tender years. On the master's side, which had only one washing place, seventy-eight prisoners of every variety of age, habit and delinquency were incarcerated together without employment, oversight or control.

If there was little classification amongst the male population of the prison, there seemed to be still less amongst the women, even apart from the fact that there was not sufficient classification to segregate them completely from the men. Early in the nineteenth century on the female side it was no uncommon condition of things for 300 women, with their innocent children up to the age of sixteen, quite contrary to regulations, all together, felon and misdemeanant, tried and untried, to be confined in four rooms comprising about 190 superficial yards, the whole under the superintendence of an old man and his son, who had charge of them by night and day. In the same rooms, in rags and dirt, destitute of sufficient clothing, for which there was no provision, sleeping without bedding on the floor, the boards of which were in part raised to supply a pillow, they lived, cooked and washed. The female prisoners were exposed to the full view of the men, the netting in front of their gallery being useless as a screen. There was no glass in the windows except in the infirmary.

The evidence given by Mrs. Fry and two of her associates, Mary Sanderson and Elizabeth Pryor, divulges the abject condition of these unfortunate women :

It was on visits to the school where some of us attended almost every day that we were witnesses to the dreadful proceedings that went forward on the female side of the prison, the begging, swearing, gaming, fighting, singing, dancing,

WANT OF CLASSIFICATION

dressing up in men's clothes, scenes too bad to be described, so that we did not think it suitable to admit young persons with us.

The railing was crowded with half-naked women, struggling together for the front situations with the most boisterous violence, and begging with the utmost vociferation. I felt as if I was going into a den of wild beasts and well recollect quite shuddering when the door closed upon me and I was locked in with such a herd of novel and desperate companions . . . With the proceeds of their clamourous begging, when any stranger appeared amongst them the prisoners purchased liquors from a regular tap in the prison. Spirits were openly drunk and the ear was assailed by the most terrible language. Beyond that necessary for safe custody there was little restraint over their communication with the world outside.

Although military sentinels were posted on the leads of the prison, such was the lawlessness prevailing that Mr. Newman, the Governor, entered this portion of it with reluctance. Fearful that their watches should be snatched from their sides he advised the ladies (though without avail) to leave them in his house, surely a confession of weakness on his part.

There was a master's side for females who could pay the fees, but they were associated with the rest in the one narrow yard common to all. Girls of twelve or thirteen were seen among a herd of depraved adults. Griffiths mentions a case of a woman who had been convicted thirty times residing in Newgate generally nine months out of every twelve, being the wards-woman, with nearly unlimited power. There was no separation for the women under sentence of death, who lived in the crowded common ward. Only when the order of execution came down were those about to suffer placed apart in one of the rooms in the arcade of the middle ward.

Finally, there survived all too long one of the worst

THE FORCING HOUSE OF CRIME

abuses due to lack of classification of every kind. When the first Inspector visited Newgate there were eight lunatics living with the sane, "the sport of the idle and depraved," an expression which connotes everything most degenerate. As late as 1814 it was found that a lunatic, incurable and sometimes dangerous, had been confined in Newgate for six years.

This deplorable want of classification led, of course, to those who had been convicted for the mildest offences and whose dispositions were absolutely normal becoming contaminated by evil communications with the vilest of humanity. There is an account of Mr. Bennett, quoted by every writer and historian on Newgate but which bears repetition, of a notable example of the consequent moral and physical deterioration—it is the case of a man of respectable family, a lawyer by profession, being for some offence committed to Newgate. The first fortnight he slept in the same bed with a highwayman on one side and a man charged with murder on the other. Spirits were freely introduced to the ill-assorted company he was obliged to affect, and although he first abstained from partaking of his share he discovered that abstinence resulted in his having to endure a persecution which was pompously termed "putting him out of protection of their internal law." In other words, he would be subjected to a mock trial with very real punishments, which could only be evaded by the payment of a bribe. The unfortunate man was ultimately compelled to adopt the habits of his associates,

by insensible degrees he began to lose his repugnance to their society, caught their flash terms and sang their songs, was admitted to their revels and acquired, in place of habits of perfect sobriety a taste for spirits.

His wife visited him in Newgate and wrote a pitiable

CARELESSNESS OF THE TURN-KEYS

account of the state in which she found her husband. He had become intimate with those whose language and manners, whose female associates, prevented her from going inside, and she used to communicate with him through the bars from the passage. One day she was obliged to enter the ward as he was too ill to come to her. She found him "pale as death, very ill and in a dreadfully dirty state, the wretches making game of him" and enjoying her distress. She discovered he had been up all night with the others. Though they could not force him to gamble he was compelled to drink, and she was obliged to let him have five shillings to pay his share or otherwise he would have been stripped of his clothes.

It has already been made clear that the security of the prisoner being the sole preoccupation of authority, all other considerations for his material or moral welfare were entirely left out of account. So long as a prisoner remained in durance it did not matter how vile that durance might be. This principle connoted, of course, that, so long as the rule that a prisoner should not escape was observed, all other rules might be broken, more especially if the official and unofficial staff of the prison obtained higher fees for their breach than for their observance. The turn-keys never entered the wards from the time they locked up at night until they unlocked again in the morning, leaving the convenience and the morals of the prisoners to the wardsmen, themselves convicted felons, with results better imagined than described. Escapes, of course, were not unknown. These were no doubt partly due to the drunkenness or the cupidity or the slackness of the turn-keys. Jack Sheppard was left all day long alone on the occasion of his most wonderful escape.

Nothing in all the horrors of Newgate appears to the

THE FORCING HOUSE OF CRIME

student of its history more reprehensible than the laxity of prison discipline within the prison walls. Committee after committee reported that Newgate prisoners before and after trial were under no efficient superintendence. "There was no restraint or attempt at restraint." Spirits, smuggled in or more usually introduced by the usual process of bribing authority, were consumed in amazing quantities. Drunkenness was rampant, especially as there was no penalty for such excess unless, as the author of the *History of the Press Yard* tells us, that on the following morning all who had exceeded the previous night had to pay the usual forfeit in alcoholic currency to the turn-keys, who read out each morning a list of these lucrative offenders. Beer, with the full approval of the sheriff, but with no sort of supervision as to its quantity, was sold in the gaol by the potman.

A wife was allowed to spend the night with her husband in Newgate if she offered sufficient remuneration to the turn-key. The custom of husbands cohabiting with their wives in captivity was an ancient one. In the course of centuries a considerable number of children were born in the gaol. No allusion can be made to this subject without reference to the celebrated case of Bernhardi, an adventurer who sided with James II in exile, after his abdication. His imprisonment lasted until the reign of Queen Anne. In his sixty-eighth year he married in Newgate a second wife who, incredible as it may seem, bore him as many as ten children in wedlock. Evidence was given before the Parliamentary inquiry in 1814 to the effect that female criminals were often delivered of children in rooms crowded with their fellow-inmates.

The custom of allowing cohabitation between husband and wife in Newgate, as might be expected, engendered another even less desirable. Prostitutes passing them-

LAXITY OF PRISON DISCIPLINE

selves off as the wives of prisoners were, on payment, probably of a much larger fee than that extracted from a genuine wife, allowed the same privilege. As there was no privacy, and as the young had to pass the night in the same cell as adults, it can be imagined what effect this produced upon the general moral tone of the prison community. A complaint being made to the Keeper of Newgate, he replied that admitting it to be true, it might prevent even worse vice, not a very edifying commentary on the management of their chief prison by an official in the service of the Corporation of London.

The following is an extract from the Inspector's report referring to the corruption of the average youth in Newgate :

He is allowed intercourse with prostitutes who, in nine cases out of ten, have originally conducted to his ruin, and his connection with them is confirmed by that devotion and generosity towards their paramours in adversity for which these otherwise degraded women are remarkable.

It will be remembered that Jack Sheppard effected one of his spectacular escapes from Newgate with the assistance of the two notorious ladies with whom he habitually consorted.

Besides opportunities for indulging in every form of vice at night facilities of another kind were afforded by day to complete the corruption of the young. Visitors of every variety, mostly undesirable, as many as three hundred at a time, were allowed into the prison yards without any questions being asked as to the object of their visit. Boys were allowed to hold communication with their sweethearts. Those under the name of husbands, brothers and sons had access to the female side on Sundays and Wednesdays to visit their supposed relatives. Numbers of the criminal type still at large

THE FORCING HOUSE OF CRIME

came to hatch plots with their less fortunate or less adroit accomplices. It is said that so little supervision was exercised that forged notes had been fabricated there. Mr. Bennett said : "I believe there is no place in the Metropolis where more crimes are projected or where stolen property is more secreted than in Newgate."

It must be remembered that throughout the eighteenth century in Newgate, and likewise in previous centuries, there was no system of prison labour. There was no provision for the delinquent to occupy his time save every conceivable opportunity for his indulgence in vice and debauchery. The first two Inspectors wrote :

Forced and constant intercourse with the most depraved individuals of his own class, the employment of those means and agents by which the lowest passions and the most vulgar propensities of man are perpetually kept in the highest state of excitement, drink, gaming, obscene and blasphemous language, utter idleness, the almost unrestricted admission of money and luxuries, uncontrolled conversation with visitors of the worst description—prostitutes, thieves, receivers of stolen goods ; all the tumultuous and diversified passions and emotions which circumstances like these must necessarily generate, forbid the faintest shadow of a hope that in a gaol so unfavourable for moral culture, any awakening truth, salutary exhortation or resolutions of amendment can take root or grow.

Under a bad governor, and there were more bad than good, there was no vestige of supervision. The report on Governor Cope is probably typical. Although he was under the obligation of visiting the prison every twenty-four hours, for days he would not enter the wards—sometimes only once during a whole fortnight, and even so his inspection was merely perfunctory. He was ignorant of the abuses. He kept no records. The Aldermen, as much to blame as he was for his culpable

G O V E R N O R C O P E

negligence, never called upon him to report, and left him practically with a free hand. His discipline was utterly lax and he made favourites of particular prisoners, retaining some felons who should have been sent overseas. Idleness, gambling, drinking, debauchery, went on unchecked. The newspaper men who had access to the gaol were never required to be searched, and brought in forbidden articles, not the least pernicious being literature of a pornographic character, which in their state of degradation appealed to the victims of Newgate more than anything of an intellectual character. It is interesting to remember that one of the most famous lawsuits in our history, that of Stockdale *v.* Hansard, arose out of this hawking of obscene literature.

The weekly introduction of food and drink, we are told, was the occasion for carousals enlivened by flash songs and thrilling descriptions of robberies. The language was always appalling. New arrivals, especially the innocent, were tormented with rude horse-play. Fighting was constant. The prisoners picked the pockets of visitors or robbed one another. One of the prisoners had a hot poker run into his eye. The only reason to doubt the story is that it is difficult to understand how the hot poker was heated. On one occasion when a young man who was being teased seized a knife and stabbed his tormentor in the back, it was to the wardsman and not to the officer to whom the report was made, and no official inquiry or punishment followed. Riots were not uncommon. The act of locking up was the signal for the commencement of obscene revelry and violence.

It will be gathered from the above that the spiritual welfare of the prisoners was not considered by the Corporation of London to be a principle upon which a well-conducted gaol should be run. The Chaplains, or

Ordinaries, as they were somewhat appropriately designated, although records show one or two bright exceptions, were very indifferent specimens of their calling, and seemed to be more concerned with their own material welfare than the spiritual needs of the prisoners. As an example, the Rev. Brownlow Forde, LL.D., who gave evidence before the Committee of 1814, was not only perfectly incompetent for any purpose for which he was employed but was not afraid to say so. He casually observed in the course of his evidence that had a prisoner sent for him he might have gone, but as no one ever did except they were sick unto death, he confined his ministrations to the condemned, whom he visited twice a week in the day room of the Press Yard, and daily after the order for execution had arrived. He repudiated the notion that he had anything to do with the state of the morals of the gaol. In his view prisoners were only harassed and worried by philanthropists and ministers. It was not to be expected of them with their habits that they should be crammed with preaching and prayer. He felt no obligation to instruct youthful prisoners or attend to the spiritual needs of the mere children so often thrown into Newgate. He saw boys of tender age in chapel, but their instruction, he considered, was not at all part of his duties—"their time there is so exceedingly short. If it was a house calculated for reformation it might be different, but they are here to-day and gone to-morrow." He never went to the infirmary, and often knew nothing of a prisoner's illness until warned to attend the funeral. While admitting that the hideous scenes of debauchery, violence and gambling was the normal condition in which the Corporation of London and its underlings permitted Newgate to continue were sufficiently loathsome to turn the stomach of the chaplain and to make him despair of the effectualness of any

THE PRISON CHAPEL

efforts of his, it must be remembered that lay men and lay women ultimately succeeded where he failed.

There was no compulsion to attend chapel except upon condemned prisoners of the established church—

When weather is severe [explained the Ordinary before the Committee of Inquiry] and they are very badly clothed and shivering with cold, they will not come in, perhaps it is snowing, perhaps it is raining, and there is no fire in the chapel.

There were often disgraceful scenes within the sacred precincts. As the prisoners trooped into the galleries they shouted and hallooed to their friends in the body of the church. Since the Ordinary was rarely a person who inspired any respect let alone admiration, it was not to be expected that he would be able to control the behaviour of his wretched congregation. Unrestricted noise continued during the service. The Governor never attended. The turn-keys who were compelled to be on duty were completely indifferent to the behaviour of their wards provided they were in security. On "curiosity days," that is to say the days upon which the condemned sermon was preached in the presence of those about to die on Tyburn Tree, a large congregation attended, more, it need hardly be doubted, from morbid curiosity than any solicitude to intercede for the condemned. The chapel was sometimes used as an overflow bedroom for debtors, when services had to be discontinued.

The physical and moral conditions in any gaol are so interdependent as to warrant simultaneous treatment. The factors which made more than anything else for the immorality of Newgate "a hell above ground" were the laxity of the rules and the want of classification, and the nature of the prisoners' accommodation. Under these conditions there was no chance for the depraved ever

THE FORCING HOUSE OF CRIME

being anything else, and there was little enough chance for anyone not already so failing to become depraved.

The gaol was throughout its history chronically over-crowded, a condition which was all the worse for the physical and moral health of its inhabitants. Sleeping accommodation consisted of a "barrack bed," which was a wooden flooring on a slightly inclined plane, with a beam running across the top to serve as a pillow. When the sleeper had the full lateral space on this filthy contraption allotted to him, it amounted to no more than one foot and a half, but when the ward was obliged to accommodate double the ordinary number, as it frequently was, the sleepers covered the entire floor with the exception of a passage in the middle. Under Cope they still slept on rope mats on the floor, herded together in companies of half-a-dozen to keep themselves warm and under a couple of stable rugs which were never washed. These rugs were supplied by the City of London, but there was always a shortage, as prisoners would steal them, tear them up to make mops with, and women would carry them out of the prison concealed under their clothing. There was no regular medical attendant. The prisoners in the daytime were ragged and filthy, many without stockings or shoes to their feet in the depth of winter.

The condition of mind and body to which even the strongest were reduced by this complete lack of all attention to health and morals was deplorable. It is recorded that when the Gordon rioters set fire to Newgate Gaol and released the prisoners some of the latter had been so repressed in body and spirit that, like the prisoners of the Bastile in history and the pupils of Dotheboys Hall in fiction, they had no heart to go elsewhere. Some returned a few days later and gave themselves up to their tormentors. It is said that many

THE CONDEMNED CELL

others were drawn back by an irresistible perverted inclination, and were actually found loitering about the open wards of the prison. Fifty were thus retaken within the walls the day after the fire, and others kept dropping in by twos and threes impelled by the same crazy fascination.

All the misdemeanants (and the most heinous criminals in those days came under that head) were lodged together in the Chapel ward. But even in these latter days this attempted classification does not seem to have been scrupulously carried out. In 1817 the Hon. H. G. Bennett saw in one yard thirty-five tried and thirty-seven untried together. Two of the untried were there for murder. Persons convicted of publishing libels were still immured in the same room with transports and felons.

There is yet one subject to complete this picture of horror—that of the condemned cell. There is nothing perhaps more terrible even to-day than the condemned cell in a prison where executions are carried out, but the old condemned cells of Newgate were infinitely more so than their modern equivalent. It was said that when Colonel Turner was executed in 1712 on the scaffold, in the course of a discursive speech he described the condemned cell in Newgate as “more terrible to me than this death.” In the days when no less than 166 different crimes incurred the death penalty a large number were reprieved, but it was seldom less than six months before the felon was acquainted with his ultimate fate. The interval depended upon the frequency or the reverse of the meeting of the Privy Council. When this august body had reached its conclusion the news was conveyed to Newgate by the Recorder, who there made his “report.” It was generally received at night. The whole of the condemned were assembled together in one

THE FORCING HOUSE OF CRIME

ward and made to kneel down. To them entered the chaplain, who in solemn tones communicated to each in turn his fate. At the conclusion of the proceedings a thanksgiving was offered up for those pardoned. Until the final decision was communicated the condemned passed his time with those who were not under sentence of death. When his fate was inevitable he was segregated in the condemned cell. The new press yard was the receptacle of the male condemned, and this was generally crowded. On a certain occasion there were as many as one hundred, one of whom had been under sentence for two years awaiting the "report." Except in murder cases, where the execution was prompt, the delay was inconceivable. This unwarrantable postponement bred callousness, and the unfortunate victims of it spent their time in roystering and gambling : "Corrupt conversation obliterated from the mind of him who is doomed every serious feeling and valuable impression." The old condemned cells were incorporated in the newer building. John Howard records :

I was told by those who attended them that criminals who had affected an air of boldness during their trial and appeared quite unconcerned at the pronouncing sentence upon them, were struck with horror and shed tears when brought to these darksome solitary abodes.

Mrs. Fry's colleagues thus describe the condemned cell :

Those certain to suffer and those unlikely to are herded together, as many as 50 or 60 crowded into the press yard. One man declared that the language of the condemned rooms was disgusting, that he was dying a death every day in being compelled to associate with such characters. Anyone who tried to pray became the sport of his associates. They took exercise in the common airing yard so that those who knew

CRITICISM BY THE INSPECTORS

they were to be hanged were with those who knew they would be reprieved. The latter, light-hearted, conducted themselves recklessly, playing every sort of game, oblivious to or careless of what fate held in store. Those condemned complained bitterly of an association so disturbing, and craved to be segregated from the mockery and insults of their more fortunate fellows. The chaplain had become lax because he was so much interfered with and laughed at from seeing that no success attended his efforts.

Small wonder that the report of the first two Inspectors' made to Lord John Russell contained the following strictures :

We cannot close these remarks without an expression of the painful feelings with which we submit to your Lordship this picture of the existing state of Newgate. That in this vast Metropolis, the centre of wealth, civilization and information, distinguished as the seat of religion, worth and philanthropy, where is to be found in operation every expedient by which ignorance may be superseded by knowledge, idleness by industry, and suffering by benevolence, that in the Metropolis of this highly favoured country to which the eyes of other lands turn for example, a system of prison discipline such as that enforced in Newgate should be for a number of years in undisturbed operation, not only in contempt of religion and humanity but in opposition to the recorded denunciations of authority and in defiance of the express enactments of the law, is indeed a subject which cannot but impress every considerate mind with humiliation and sorrow. We trust, however, that the day is at hand when this stain will be removed from the charters of the City of London, and when the first municipal authority of our land will no longer be subjected to the reproach of fostering an institution which outrages the rights and feelings of humanity, defeats the ends of justice, and disgraces the profession of a Christian country.

But the Corporation was more solicitous to remove the stain from its own reputation than to remedy the

THE FORCING HOUSE OF CRIME

cause thereof. They produced a lengthy blue book denying some of the charges and excusing themselves for others. The Inspectors very properly retorted by merely reiterating their indictment, and with such effect that in the following year they were able to express satisfaction that their censures had had some perceptible influence even upon the Corporation of London : "It has aroused the attention of those upon whom parliamentary reports and grand jury presentments have hitherto failed to make the slightest impression."

As a matter of fact few reforms were ever at any time instituted at Newgate, although the Prison Discipline Society succeeded in achieving some measure of progress in spite of the opposition it met from those who might have known better. It is quite true that Committee after Committee sat and reported. It is quite true that upon their reports legislation was promulgated, too much of it merely permissive, but the laws were flagrantly violated. It is also true that the gaol was reconstructed in 1770, but it fell as far short of the demands made upon it as did the old. When the House of Commons Committee reported in 1815 immediate effect was given to those of the recommendations which could be carried out with any degree of facility. Before 1812 there was, as we have seen, little or no classification. After that date an attempt was made to divide the prisoners into separate categories—those awaiting trial, those under sentence for a fixed period or until they had paid fines, transportees awaiting removal to the colonies, who often had to wait a considerable time to the detriment of the prison accommodation, and finally convicts awaiting execution. After 1812 a yard was set apart for the untried, who were often supplemented by Class 2 misdemeanants. This was the Chapel yard, with its five wards which were calculated to hold seventy prisoners,

TENTATIVE REFORMS

but which often were constrained to hold more. Some attempt was made at night to separate misdemeanants from felons, but all freely mingled during the day. The state side ceased to exist and the female prisoners regained some of the space of which they had been so unjustifiably deprived. The privileges of the master's side disappeared. "Garnish" was prohibited. A certain number of beds and more bread were provided, but the City, it was said, could not afford extending the limits of the prison by which means alone classification and separation, the most essential reform of all, could be effected. A school was established for juveniles over which the chaplain, who was now in communication with the Philanthropic and other institutions, presided. Promising cases were removed to the care of these societies. But in spite of these minor reforms we read that Newgate as late as 1823 was still a byword. "Defective construction must always bar the way to any radical improvement." No rules or regulations were printed. Justices failed to inspect. Idleness still prevailed and by 1827 visitors were again allowed to infest the purlieus. In endeavouring to obviate contamination prisoners were more closely confined and associated in smaller numbers, but this had the effect of throwing them into closer contact with each other and making them more intimately acquainted.

In that same year the Prison Discipline Society reported that

the gaols attached to corporate jurisdictions continue to be the fruitful sources of vice and misery, debasing all who are confined within their walls and disseminating through their respective communities the knowledge and practice of every species of criminality.

We have the evidence of the Inspectors from the

THE FORCING HOUSE OF CRIME

inception of their labours over a period of years, to prove that in Newgate the worst evils persisted.

The mischief of gaol associations which has been demonstrably proved to be the fruitful source of all the abuses and irregularities which have so long disgraced Newgate is not only permitted still to exist in the prison but is rendered more powerful than before.

In 1837 the Inspectors report a retrograde movement. For nearly twenty-two hours the prisoners are locked up, during which time no officer is stationed with them. The reports continue in the same vein. The Corporation displayed a certain measure of irritation. But even the prison officials appear to have ranged themselves on the side of the Inspectors. In a resolution passed by the Court of Aldermen in 1842 it is ordered

that the Ordinary of Newgate be restricted from making any communications to the Home Office or the Inspector of Prisons, and that he be required wholly to confine himself to the performance of his duty as prescribed by Act of Parliament.

In their tenth report they find that they are compelled by an imperative sense of duty to advert in terms of decided condemnation to the lamentable condition of the prisons of the City of London. "Their duties gave them no choice but to report matters as we found them and again and again to protest against Newgate as it at present exists."

In 1840 the Government decided to erect a model prison at Pentonville at a cost of £90,000. During the next six years fifty-four prisons were built on that model, but unfortunately various jurisdictions adopted various methods of internal administration and this want of uniformity hindered progress in the right direction.

Newgate, as usual, lagged behind. Not much had been done by 1850 to remedy old defects, but the evil

THE END OF NEWGATE

of overcrowding had at least been eliminated, due to the frequent sessions of the Central Criminal Court and the use of other gaols. The population seldom rose above 250, and even fell as low as fifty, although transports and misdemeanants were still accommodated in its precincts. But there was as yet no effective control over the prisoners after locking-up time, which in winter was as early as five o'clock. They were still left to themselves during fourteen or fifteen hours without check or hindrance. It is true that later iron cages were constructed on the landings in which warders spent the night alert to watch the sleepers below, and when gas was invented it was introduced into the prison. The wards had open fires, but the separate cells were not heated at all.

A year after the opening of the new model at Pentonville a serious effort was made to reconstruct Newgate, but the Home Secretary had laid it down that at least five acres would be indispensable for this purpose, and such an area it was impossible to obtain within the boundaries of the City. The Tufnell estate in Holloway, where the City owned twenty acres, was therefore decided upon as the site for the new City gaol. After its completion the uses of Newgate were narrowed down almost entirely to those of a detention prison. It was intended that, except those awaiting trial, no one should be sent there. With the consequent reduction of numbers the more crying evils, the more habitual malpractices, fell into desuetude. But it was too late for amendment. Newgate, like a venerable invalid racked with disease from which there was no hope of any recovery, was dying a natural death.

At length in 1877 under the premiership of Lord Beaconsfield, one of the first Prime Ministers to take any heed of domestic affairs, the entire prison system

THE FORCING HOUSE OF CRIME

passed under the control of the State. Three years after the appointment of the first Prison Commissioners it was decided by Sir William Harcourt to discontinue further use of Newgate, as Clerkenwell was now sufficient to accommodate whatever prisoners still remained there.

In the year 1903 Newgate fell beneath the stroke of the housebreaker's hammer. Never was that ruthless implement wielded to so good a purpose. No language however lurid, no rhetoric however sensational, could distort the horror of its age-old abuses. Newgate—the very name is septic with its corrupt and covetous officials, its grinding extortions, its reeking cells, its physical and moral pestilence, its dissolute associations, and its human anguish of soul and body. And the more amazing its long continuance must seem when it is taken into consideration that the description set out in the foregoing pages, hardly to be believed were it not founded upon incontrovertible evidence, applies to Newgate as it was in an age when England was supposed to be a civilized country, its destinies controlled by illustrious and far-sighted statesmen, its armed forces victorious by land and sea, and its commerce placing the nation's credit in an unrivalled position of security and wealth amongst all her foreign rivals.

But day after day, year after year, while clergy and congregations committed to their charge prayed mechanically for pity upon prisoners and captives beneath the great dome which cast its shadow upon Newgate, while prisoners and captives—men, women and children—languished in mind and body, the victims of the vilest of human institutions, the City Fathers who were directly responsible for its conduct and its continuance solaced themselves with the assurance given to them by Mr. Pitt himself that England would save Europe by her example.

C H A P T E R V

T H E D I S S E M I N A T I O N

CENTURIES of experience were needed to convince Authority that public display of the retribution which overtakes the criminal, far from serving as a warning or a deterrent to potential enemies of society, produced in the aggregate exactly the opposite effect to what was originally intended by this device. In the eighteenth century the more savage was the exhibition of the death penalty the more capital offences increased. And yet until the later part of the nineteenth century publicity continued to be an essential feature of this general scheme of maladministration.

In order the better to account for an apparent paradox, some descriptions drawn mainly from the direct evidence by eye-witnesses of public executions at Tyburn are reproduced below in detail.

It will be instructive in the first instance to trace the course of the criminal from the condemned cell to the place of execution. Publicity commenced in the prison itself. The condemned man was allowed to receive as many visitors as he desired, or perhaps it would be more accurate to say that he was allowed to receive as many who cared to pay a substantial fee to the gaoler for that purpose. It is recorded that crowds of infatuated females congregated at Newgate to offer their condolences to that prince of lady-killers Claude Duval in his last hours of life. The number of visitors that flocked to interview Jack Sheppard included Sir James Thorn-

THE DISSEMINATION

hill, who seized the occasion to paint his portrait. James Maclean, the famous twenty-six-year-old gentleman highwayman, who lodged in St. James's Street and frequented masquerades, was paid the compliment of being visited by 3,000 people, who rendered the atmosphere so oppressive that he fainted twice as a consequence. Horace Walpole commented severely on "this ridiculous rage there is for going to Newgate and the prints that are published of the malefactors and the memoirs of their lives set forth with as much parade as Marshal Turenne's." But this undesirable publicity was even fostered by the chaplains of the gaol, who from contemporary accounts were more solicitous to extract information from the condemned man as to the intimate details of his career with the purpose of selling the same to the public, than of attending to the needs of his soul. While the encouragement and gratification of morbid curiosity of this kind was all to the bad, the effect of elevating a common murderer to the status of a popular hero was still more detrimental to public morals.

Within the precincts of the gaol it was not only in his cell where the unfortunate victim was paraded before the public gaze. Upon the Sunday antecedent to the execution visitors were admitted to the chapel so that they might satisfy an unwholesome curiosity to witness the behaviour of the condemned in so awful a predicament. This demoralizing ordeal, savouring rather of *policinelle* than of divine service, was so much dreaded by the more decent-minded amongst the condemned that they preferred abjuring their faith rather than have recourse to so flagrant a mockery of religious consolation.

The unfortunate objects of these unedifying demonstrations occupied an open pew in the centre of the

THE EXECUTION MORNING

chapel, which was draped with black cloth for the occasion. Upon a table was placed a coffin in full view of those whom it was intended to impress. Every available space was filled with a crowd of spectators composed partly of morbid-minded sightseers, partly of friends or relations who with ribald gestures and cries endeavoured to keep up the spirits of the doomed men and women.

Dr. Bernard Mandeville, who lived during the earlier part of the eighteenth century, has left us a vivid description of the scene in Newgate Gaol on the morning of an execution.

The horrid aspect of turn-keys and gaolers in discontent and hurry, the dreadful looks of rogues in irons, the scolding and grumbling and drinking . . . but what is most shocking is the behaviour of the condemned, who for the greatest part you will find drinking madly or uttering the vilest ribaldry and jeering at others that are less impenitent, whilst the Ordinary bustles amongst them and shifting from one to another distributes scraps of good counsel to inattentive hearers, and near him the hangman, impatient to be gone, swears at their delays and as fast as he can does his part in preparing them for the journey.

On the morning of an execution, which usually took place once a month, the condemned, if neither of rank nor wealth, was ensconced in a wretched wagon along with a coffin so soon to receive the lifeless body, always provided his relations could afford this last attention to his needs. A condemned man, if of any social consequence, for example Lord Ferrers, who was executed in 1760 for the murder of his steward, was allowed to proceed in an elaborate mourning coach with all the paraphernalia of funeral furnishings. Edward Bird, an old Etonian, went to Tyburn in a mourning coach accompanied by his mother.

THE DISSEMINATION

Sometimes a clergyman accompanied the victims on the long journey to Tyburn. This concession to the spiritual needs of the victim on one occasion invested the proceedings with an element of farce. It is recorded that a Jacobite, condemned to death for his part in the rebellion of 1715, was accommodated with two divines of different persuasions, who together came to fisticuffs over his soul. The non-juror, superior in physical force if not in moral suasion, kicked the Rev. Paul Lorraine neck and crop out of the cart as they neared Tyburn Tree, and gave the lad absolution for his crime.

The distance from Newgate to Tyburn is three miles. As the drab procession emerged from the gloomy gateway a motley crowd joined with it composed of the idlest of the working classes, the most honourable, as Mandeville observes, being apprentices and journeymen to the meanest tradesmen. All the rest were of an even lower order in the social scale. The publication of the dates of executions served as an invitation to all thieves and pickpockets to make carnival. Old offenders who would not have dared to show their faces to the light of day upon any other occasion found safety in numbers upon this. The route from one end to the other was invariably lined with a vast crowd of spectators. The execution of the brothers Perreau in 1776 was witnessed by a crowd estimated at 30,000 persons. In the case of the execution of a famous criminal such as Jack Sheppard, the number is placed at 200,000. When Lord Ferrers was executed in 1760 the crowd was so great that the procession took three hours to travel from Newgate to Tyburn. This unfortunate peer confided to the sheriffs that passing through a multitude of such a size and character was an ordeal worse than death itself. One wretched woman, a Mrs. Meteyard, was carried senseless in the cart from the prison to the gallows. Fielding,

THE ROUTE TO TYBURN

who has described the scene, was struck by the size of the mob in virtue of the frequency of these executions in London.

So great, as a rule, was the throng as to interrupt every 20 or 30 yards the progress of the melancholy procession. Let us turn to the pages of Dr. Mandeville once more for an account from an eye-witness :

All the way from Newgate to Tyburn is one continued Fair for whores and rogues of the meaner sort. Here the most abandoned rakehells may light on women as shameless. . . . Where the crowd is least, which, among the itinerants, is nowhere very thin, the mob is rudest. No modern rabble can long subsist without their darling cordial "geneva." The intelligible sounds that are heard among them are oaths and vile expressions. As these undisciplined armies have no particular enemies to encounter but cleanliness and good manners, so nothing is more entertaining to them than the dead carcases of dogs and cats, or for want of them, rags flung as high and as far as a strong arm can carry them, and commonly directed where the throng is thickest.

The attitude adopted in this gruesome parade by the main actors of the drama varied, of course, with their temperaments. But it is to be feared that if the experience was intended to inspire the victims with awe or to make them reflect the deeper upon their situation, far from exercising even a wholesome restraint it egregiously failed in any kind of salutary effect. Contemporary accounts suggest that in the case of the impenitent they affected an air of composure or indifference. Fielding records that three of those he accompanied on their last journey

at first seemed not enough concerned, grew most shamefully daring and wanton, behaving themselves in a manner that would have been ridiculous in men in any circumstances whatever. They swore, laughed and talked obscenely, and wished

THE DISSEMINATION

their wicked companions good luck with as much assurance as if their employment had been the most lawful.

It is recorded of Dick Turpin that he purchased a new suit of fustian and a pair of pumps to wear at the gallows. In the case of those who would have preferred to adopt a reverent attitude, such was rendered impossible by the behaviour of the crowd. This complete inversion of the influence the ordeal was intended to exercise on the mind of the accused inspired one Richard Dow to devise an expedient by which he hoped to counteract the evil effects produced upon the condemned by the obscene behaviour of the crowd. By will he bequeathed £50 a year, which was to be expended in the following manner. A gratuity was to be given to the bell-man or sexton of St. Sepulchre's Church (where it had been the former custom for the condemned to be presented by their paramours or friends with bouquets, which they stuck in their breasts) in order that he should toll the bell and at the same time pronounce an exhortation to this effect :

All good people pray heartily to God for these poor sinners, who are now going to their deaths, for whom this great bell doth toll. You that are condemned to die repent with lamentable tears. Ask mercy of the Lord for the salvation of your own souls, through the merits, death and Passion of Jesus Christ, who now sits at the right hand of God to make intercession for as many of you as persistently return unto him. Lord have mercy upon you ! Christ have mercy upon you !

Which last words the bell-man repeats three times.

Whether Richard Dow's bequest fulfilled the purpose of the testator in any appreciable degree it is impossible to estimate. Our only information on this head comes from the pen of Fielding, who rode on a horse beside the wagon which drove some wretches to execution.

The exhortation [he tells us] spoken by the bell-man from the wall of St. Sepulchre's Churchyard is well intended, but the noise of the officers and the mob was so great, and the silly curiosity of people climbing into the cart to take leave of the criminals made such a confused noise, I could not hear the words of the exhortation when spoken.

Too often, no doubt, the prisoners had taken effective precautions even before setting out from Newgate to quell their fears by artificial means, so that their condition of mind was not susceptible to such influences. The cart stopped at frequent intervals along the route. These halts invariably increased the numbers that surrounded the procession. The former comrades of the condemned, especially the younger men, more eager than the rest of the throng, broke through all obstacles to take a final leave, struggling through the crowd for a shake of the hand, "not to lose before so much company the credit there is in having had such a valuable acquaintance." At the hospital of St. Giles in the Fields there was observed a very questionable custom, abolished in 1750, of presenting to the condemned a great bowl of ale "thereof to drink at their pleasure, as to be their last refreshment in life." It is to be presumed that one description partook of it with avidity bred of custom, and the remainder welcomed any restorative to aid their composure. Not only at St. Giles but at other convenient places the procession stopped for this purpose before it came to the journey's end.

The attitude of the mob towards the occupants of the cart depended much upon whether the nature of his crime qualified the criminal as a martyr or an object of execration. Highwaymen were invariably accepted as romantic heroes. Thief-takers came in for a well-merited share of opprobrium from those who were their potential victims. In the case of the infamous Mrs.

THE DISSEMINATION

Brownrigg the mob called out to the Ordinary to "pray for her damnation, as such a fiend ought not to be saved," and of Williamson (hanged in Moorfields for starving his wife to death) it is recorded that, apprehensive of being torn to pieces by the mob, he hastened the executioner in the performance of his office. It might be said that in the case of a public enemy the spectators were prepared to anticipate, in the case of a public idol were prepared to obviate the work of the executioner. But all accounts agree in the ribaldry and indifference to human suffering displayed by the vast concourse of persons that came to witness it in its most poignant form.

The face of everyone [writes Fielding] spoke a kind of mirth, as if the spectacle they beheld had afforded pleasure instead of pain . . . here all was hurry and confusion, racket and noise, praying and oaths, swearing and singing psalms . . . Every street and lane I passed through bearing rather the face of a holiday than that of sorrow which I expected to see, for the untimely deaths of five members of the community.

The scene at the place of execution was usually something in the nature of a riot. The "tree" itself, triangular with crossbeams capable of hanging twenty-four at a time (a test it was occasionally put to) was, until the movable gallows took its place in 1759, situated at the junction of the Edgware and Bayswater Roads, where it had stood since the twelfth century, accounting for the public execution of at least 50,000 criminals. According to contemporary prints there were grandstands of the sort that are erected in our own times for the accommodation of crowds at football matches, where seats could be reserved and for which, no doubt, large sums were exacted. The cart came to a standsill immediately beneath the gallows. Mandeville describes the scene at this stage of the proceedings :



THE ARRIVAL AT TYBURN

The violent efforts of the most sturdy and resolute of the mob on one side and the potent endeavours of rugged gaolers and others to beat them off on the other, the terrible blows that are struck, the heads that are broke, the pieces of swinging sticks and blood that fly about, the men that are knocked down and trampled upon are beyond imagination, while the dissonance of voices and the variety of outcries that are heard there make up a discord not to be paralleled. If we consider besides all this the mean equipages of the sheriffs' officers and the scrubby horses that compose the cavalcade, the irregularity of the march, and the want of order among all the attendants, we shall be forced to confess that these proceedings are very void of that decent solemnity that would be required to make them awful. At the very place of execution the most remarkable scene is a vast multitude on foot intermixed with many horsemen and hackney coaches, all very dirty or else covered with dust, that are either abusing one another or else staring at the prisoners, among whom there is commonly very little devotion. But to require this exercise or to expect it of every wretch that comes to be hanged is as wild and as extravagant as the performance of it is commonly frightful and impertinent.

What the feelings of the victims must have been at the moment of halting, when not only their fate was upon them but their situation was being rendered a thousand times worse by the ghastly scenes enacted in their neighbourhood, beggars the imagination.

At the place of execution [writes Fielding in 1741] the scene grew still more shocking, and the clergyman who attended was more the subject of ridicule than of their serious attention. The psalm was sung amidst the curses and quarrelling of hundreds of the most abandoned and profligate of mankind, upon whom, so dead are they to every sense of decency, all the preparation of the unhappy wretches seems to serve only for subject of a barbarous kind of mirth, altogether inconsistent with humanity.

It is not, therefore, surprising to learn that “the

THE DISSEMINATION

Ordinary and Executioner, having performed their different duties with small and equal concern, seem to be tired and glad it is over." This description is fully borne out by other observers of these rites. Silas Told, one of the few lay visitors to Newgate Gaol, who was in the habit of contributing what he could to the redemption of the prisoners, describes a scene of which he himself was witness. When attending one May Edmonson, who had been convicted of murder and condemned to death on the flimsiest of evidence, he addressed some words of spiritual comfort to her.

This produced a pleasant smile on her countenance, which when the sons of violence perceived they d——d her in a shameful manner; this was accompanied with a vengeful shout, "see how bold she is, see how the —— laughs."

The following is another description of similar proceedings taken from a contemporary pamphlet written with the purpose of abolishing the outrageous practice of public executions :

On reaching the fatal tree it becomes a riotous mob, and their wantonness of speech broke forth in profane jokes, swearing and blasphemy. The officers of the law were powerless. No attention was paid to the convict's dying speech, an exhortation, for example, to shun a vicious life addressed to thieves actually engaged in picking pockets. The culprit's prayers were interrupted. His demeanour, if resigned, was sneered at and only applauded when he went with a brazen effrontery to his death. Thus are all the ends of public justice defeated, all the effects of example, the terrors of death, the shame of punishment, are all lost.

Colquhoun pointedly confirms this verdict :

Since even the dread of this punishment in the manner it is now conducted has so little effect upon guilty associates attending executions, that it is no uncommon thing for these hardened

THE HANGMAN

offenders to be engaged in new acts of theft at the very moment their companions in iniquity are launching, in their presence, into eternity.

The hangman of those times was usually a reprieved criminal, such as John Price, who was ultimately hanged himself, being, it is said, actually arrested in the process of performing his revolting duty. Dennis was sentenced for complicity in the Gordon riots, but was pardoned on condition he would hang his fellow-conspirators. It must be inferred that the profession of executioner was not held in very high esteem, and that there was no very severe competition to obtain the appointment. From various gruesome details which have been handed down to us we must conclude that not only were their characters questionable, but their professional skill left much to be desired. Many are the tales that confirm this estimate of their proficiency. At the execution of the famous pirate, Captain Kidd, the rope broke at the critical moment, with the result that he was again submitted to the process of hanging, conscious the while. That the performance was often ineffective is witnessed by the fact that the crowd was always prepared to break through to put the wretched victim out of his misery, a proceeding which in one case at least led to a deplorable result. Thus the friends of another famous pirate, John Gow, added their weight to his with such force that the rope broke before he had expired, necessitating a repetition of the ordeal of execution.

That the gallows was occasionally cheated by the mismanagement of the executioner is proved by a number of authentic cases of resuscitation after cutting down, a result achieved by immersing the victim in hot water and massaging the limbs, a circumstance which incidentally gives us surprise that there should have been no official certificate of death.

THE DISSEMINATION

The system of fees and gratuities which seemed to be the very essence of the whole treatment of criminals in those days found an ultimate illustration in the claim of the hangman to the clothes in which the criminal was executed. This claim was occasionally disputed. An account has survived of the vigorous protest made by Hannah Dagoë, a herculean Covent Garden porter. When the cart was drawn in under the gallows she managed to loosen her arms. Seizing the executioner she struggled with him and dealt him so violent a blow on the chest that she nearly knocked him down. Tearing off her hat, cloak, and other garments which he had claimed as his proper perquisites, she distributed them amongst the crowd. After a long struggle he adjusted the rope around her neck, but she threw herself out of the cart with such violence that she anticipated the operation of the gallows.

A particularly revolting practice is mentioned by one writer. Children were taken upon the scaffold after an execution, to have the hand of the corpse applied to them, the "death sweat" of a man who had been hanged being held to be a cure for scrofulous disease. This superstition was indulged in as late as the year 1760.

If the proceedings before and during the execution were demoralizing, they were the more so after their completion. As soon as the bodies were cut down extraordinary scenes were witnessed due to the fact that by an Act of George II it was provided that "for the better prevention of murder some further terror and peculiar mark of infamy be added to the punishment of death—the bodies to be given to the Surgeons Company for dissection," carried out in the case of Newgate prisoners in the Surgeons Hall adjoining the prison. That this was regarded by both the convicted and the convicted's friends with disapprobation is amply attested.

SCENE AFTER THE EXECUTION

William Smith, executed in 1750, had in an advertisement entreated contributions for his decent interment, so that "his poor body might not fall into the hands of surgeons and perpetuate the disgrace of his family." The murderer would beg his friends to rescue his body if any attempt were made by the surgeons to procure it, a request which was usually respected amid scenes of riot and disorder, which did nothing to make the spectacle less degrading. Such a scene occurred on the day that Fielding witnessed an execution.

As soon as the poor creatures were half dead I was much surprised before such a number of peace officers to see the populace fall to hauling and pulling the carcasses with so much earnestness as to occasion several warm encounters and broken heads. These, I was told, were the friends of the persons executed, or such as, for the sake of tumult, chose to appear so, and some persons sent by private surgeons to obtain bodies for dissection. The contests between these were fierce and bloody and frightful to look at, so that I made the best of my way out of the crowd, and with some difficulty rode back among a large number of people who had been upon the same errand as myself.

He also records that one of the bodies was carried to the lodging of his wife, who not being in the way to receive it, they immediately hawked it about to every surgeon they could think of, and when no one would buy it they besmeared it with tar and left it in a field hardly covered with earth. Another contemporary account details a curious scene and describes a

movement at the gallows where a vast body of sailors, some of whom armed with cutlasses and all with bludgeons, began to be very clamourous . . . which Mr. Sheriff perceiving he rode up to them and inquired in the mildest terms the reason of their tumult. Being answered that they only wanted to save the bodies of their brethren from the surgeons, and the Sheriff

THE DISSEMINATION

promising that the latter should not have them, the sailors thanked the magistrate, wished every blessing to attend him, and assured him they had no design to interrupt him in the execution of his office.

If the dissecting table was not the ultimate destination of the body of the hanged, his relatives and friends either had permission or took it to remove the corpse for burial to a churchyard. The body of Jack Sheppard met with an entirely different and less romantic fate than that described in Harrison Ainsworth's highly fictitious narrative, but mainly typical. When the body had hung the appointed time an undertaker ventured to appear with a hearse, but being taken for a surgeon's agent he was obstructed by a crowd of roughs who demolished the hearse and fell upon the undertaker, who escaped with some difficulty. They thereupon seized the body, and passed it from hand to hand until it was covered with bruises and dirt. It was taken as far as the Barley Mow in Long Acre, where it lay for some hours. On its being discovered that a trick had been devised by a bailiff in the pay of the surgeons and that the body had been forcibly taken from a person who really intended to bury it, the mob was excited to frenzy, and a serious riot followed. The military were called in, and with the aid of several detachments of guards the ringleaders were secured. The body was given to a friend of Jack Sheppard's. The mob attended it to St. Martin's-in-the-Fields where it was deposited under a guard of soldiers and eventually buried in the old churchyard, where the National Gallery now stands, and not, as Harrison Ainsworth states, in Willesden churchyard by his mother's side. In 1866 his coffin was discovered by some workmen next to that of the philanthropist, George Heriot. In all likelihood his remains found a final resting-place in the Rookwood cemetery, for it was

RETALIATION UPON WITNESSES

there that all the bodies that were not claimed by descendants were sent for final interment on the closing of old St. Martin's churchyard. It is not to be supposed that poor Jack had any relict who was likely to be concerned with the ultimate fate of his ashes.

The *Annual Register* for 1764 refers to a curious method by which sometimes the criminal retaliated upon witnesses who had furnished evidence of his guilt. An illustration given is the case of a condemned man who addressed the mob round the scaffold at Tyburn, and asked them to carry his body after execution and lay it at the door of one Parker, a butcher in the Minories, who was the principal witness against him, which request being complied with, the mob behaved so riotously before the unfortunate man's house that it was no easy matter to disperse them. The same source relates another case of the body of the criminal, Cornelius Sanders, being carried to the home of a Mrs. White in Spitalfields, from whom he had stolen £50, and laid before the door. Her house was completely wrecked by the mob before the guards could be called to the scene of action.

It is recorded that Claude Duval, after hanging, lay in state in the Tangier Tavern in St. Giles, in a room draped in black adorned with escutcheons—eight wax tapers surrounded the catafalque, and as many chief mourners in long cloaks, doubtless visited by a multitude of female admirers, who, we are told, witnessed the execution in masks.

Hanging was not the only form of execution which took place in public during the eighteenth century. Women were burnt at the stake at Tyburn, but the procedure by that time was to strangle the victim before the faggots were lighted. Blackstone accounts for this custom with the following commentary: "As the decency due to the sex forbids the exposing and public

THE DISSEMINATION

mangling their bodies the sentence is to be drawn to the gallows and there burnt alive," a curious concession to the proprieties one would have thought. In July, 1721, Barbara Spencer was thus burnt for coining. Her last wish was that she might say a prayer in peace, but the mob would have none of it and threw stones and missiles at her while engaged in her devotions. In 1726 there was the terrible case of Mrs. Hayes. The flames scorching the hands of the executioner he prematurely released the rope with which he was proceeding to strangle her. In an agony of pain she thrust the blazing faggots from her, rending the air with piercing shrieks until she was consumed.

As recently as the year 1788 a woman, by name Phœbe Harris, was burnt for coining before the door of Newgate. She was made to walk to a stake fixed in the road half-way between the scaffold and Newgate Street. She was then tied by the neck to an iron bolt fixed near to the top of the stake. The stool upon which she stood was drawn away and her lifeless body was left suspended for half an hour. Finally a chain fastened by nails to the stake was secured to her waist by the executioner, who piled up faggots around her, which when kindled burnt the halter so that the body fell a short distance into the flames. This horrible scene was witnessed by a vast concourse of people.

At length even the Sheriffs themselves had to acknowledge that these infamous public debaucheries, far from discouraging crime, had favoured its increase. It was decided therefore that executions in future should take place immediately in front of the gaol. This decision called forth from Dr. Johnson some observations which have probably been taken much too seriously by the many authors who have quoted them. "The age is running mad after innovation," so Boswell records the

EXECUTIONS AT NEWGATE

sage to have said, "all the business of the world is to be done in a new way. Tyburn itself is not safe from the fury of innovation!" In response to the argument that it was an improvement he replied :

No, sir, it is not an improvement. They object that the old method drew together a number of spectators. Sir, executions are intended to draw spectators. If they do not draw spectators they don't answer the purpose. The old method was most satisfactory for all parties. The public was gratified by a procession, the criminal was supported by it. Why is all this to be swept away?

That such observations were egregious nonsense not even the most idolatrous of Dr. Johnson's admirers could deny, but it must be remembered that not only had Dr. Johnson a heavy sense of humour, but he also had the spirit of opposition most highly developed, and it is therefore more than probable that he adopted this attitude "with his tongue in his cheek." Be this as it may, mercifully no remonstrance from Dr. Johnson or from anyone else availed in checking the decision of the Corporation of London to make a different experiment.

But the transference of the place of execution to greater seclusion only effected one reform. Although the new site being within a few yards of the condemned cell the *via dolorosa* was thus shortened from three miles to a few yards, the publicity of the execution still remained a public scandal. Instead of carting criminals through the streets to Tyburn, the sentence of death was carried out in front of Newgate, where it is true 5,000 persons only instead of 300,000 could be accommodated. Here upon a temporary scaffold hung with black, no other persons but those authorized were allowed to stand. During the execution a funeral bell was tolled, which formality it was hoped, quite mistakenly, would have the desired effect of impressing both the prisoner and

THE DISSEMINATION

the spectators with the solemnity of the occasion, but it would have required something even more impressive than the tolling of a bell to counteract other influences which such spectacles exercised upon those who witnessed them.

For the best part of another century the same demoralizing scenes around the scaffold were destined to be re-enacted. The criminals were not exposed to view until they actually mounted the scaffold. That part of the stage which adjoined the prison was enclosed by a temporary roof, under which were placed two seats for the reception of the Sheriff, one on each side of the stairs leading to the scaffold. Round the north, west and south sides were erected galleries for the reception of officers, attendants, etc., and at a short distance was fixed a strong railing all round the scaffold to enclose a space for the constables. In the middle was placed a movable platform, in the form of a trap-door 10 feet long by 8 feet wide, in the middle of which was placed the gibbet, extending from the gaol across the Old Bailey. This movable platform was raised 6 inches higher than the rest of the scaffold, and upon it the convicted were placed. The contrivance was supported by two beams, which were held by bolts. The movement of the lever withdrew the bolts and the platform was thus made to subside.

How far these new arrangements produced a sobering effect upon those who witnessed them can be gathered from a description in *The Times* dated as late as November, 1864, of Müller's execution. According to this testimony there were more men than women, the latter being the most degraded variety, with a very great preponderance of younger men,

sharers, thieves, gamblers, betting men, the outsiders of the boxing-ring, bricklayers, labourers, dock workmen, with the

C O N T I N U E D A B U S E S

rakings of cheap singing halls and billiard rooms, the fast young men of London . . . Before the slight slow vibrations of the body had well ended, robbery and violence, loud laughing, oaths, fighting, obscene conduct and still more filthy language reigned round the gallows far and near. Such too the scene remained with little change or respite till the old hangman (Calcraft) slunk again along the drop amid hisses and sneering inquiries of what he had had to drink that morning. After failing once to cut the rope he made a second attempt more successfully, and the body of Müller disappeared from view.

It is recorded that at the particular execution above described as much as £25 was paid for a window which commanded a good view of the proceedings.

At the execution of Courvoisier, the murderer of Lord William Russell, Sir William Watkins Wynn hired a room for the night at the George public house in order that the next morning he and his friends should watch the execution in comfort. In an adjoining house Lord Alfred Paget watched the proceedings. Ladies of rank and fashion were also present. In 1807 so great and unruly was the crowd at the execution of Holloway and Haggerty that nearly 100 dead and dying were discovered lying in the street when the crowd began to thin.

After the executions at Newgate the Governor was in the habit of giving breakfast to any persons of distinction who had watched the proceedings, and if there were no more than six or seven of them his guests would return grumbling and disappointed home to breakfast, complaining that "there were hardly any fellows hanged this morning." His good-looking daughter, who did the honours at the table, admitted, however, that few did much justice to the fare. The first call of the inexperienced was for brandy, and the only person with a good appetite for the broiled kidneys, a celebrated dish

THE DISSEMINATION

of hers, was the chaplain. After breakfast was over the whole party adjourned to see the “cutting down.”

George Selwyn was one of the many distinguished persons who habitually attended executions. He witnessed the execution of Lord Lovat, justifying himself by saying he made amends by going to the undertaker’s to see the head sewn on again.

Read what accounts we may, there is nothing to prove that these exhibitions, even under the altered circumstances at Newgate, had the smallest deterrent value—on the contrary it is painfully obvious that they produced the most demoralizing effect upon those who witnessed them.

Many years before the processions to Tyburn were abolished Beccaria had given his verdict that

The death of a criminal is a terrible but momentary spectacle, and therefore a less efficacious method of deterring others than the continued example of a man deprived of his liberty and condemned to repair by his labour the injury done to society—a condition so miserable is a much more powerful preventative than the fear of death, which men always behold in distant obscurity.

But the British Government allowed these public exhibitions to continue until 1864, when a Royal Commission was set up to make recommendations on the subject. In spite, however, of all the evidence furnished by this means opinion was still much divided. The Commission recommended that executions should for the future take place inside the gaol “under such regulations as might be considered necessary to prevent abuse and satisfy the public that the law had been complied with.” It is curious to note that among other eminent persons John Bright was a dissident from its findings. Mr. Hibbert’s Bill became law in 1868, the last public execution being that of the Fenian, Michael Barrett, who

THE PUBLICITY OF PUNISHMENT

was convicted of complicity in the Clerkenwell explosion intended to release Burke and Casey from that prison.

The hangings at Tyburn Tree and in front of Newgate Gaol were not the only forms of publicity that the Government encouraged in order to deter the populace from crime during the eighteenth and nineteenth centuries, although they unquestionably were the worst influence. For centuries hanging the corpses of the executed in chains for the public gaze, on gallows by the roadside or in conspicuous places in towns, as a gamekeeper hangs up dead vermin by the covert-side, had been the usual custom. After it was abolished an attempt to revive it in 1832 in Leicester created a tumult, a fair being held and cards being played immediately under the gruesome trophy. So great was the public scandal created that any repetition of a spectacle which at last had revolted public opinion was doomed to extinction.

Another brutal practice of publicly exhibiting the body took the form of a parade through the streets. An example of this was provided in 1811. The body of a murderer, Williams by name, was made the centre of attraction in a regular procession with police escort marching alongside. It was extended on an inclined platform erected upon a cart, with the instruments he had used for the murder arranged around him as an object-lesson. The procession halted for a quarter of an hour in front of his own dwelling, presumably without the smallest consideration for the feelings of his kith and kin.

Temple Bar itself will always be associated with the public exposure of the remains of the executed.

I have been this morning [writes Horace Walpole] at the Tower, and passed under the new heads at Temple Bar, where people made a trade of letting spy-glasses at a half-penny a look.

THE DISSEMINATION

The pillory and the stocks were often used as milder methods for holding criminals up to public execration, the former not being abolished until the year 1816. Public flogging was not abolished until 1817. The ducking of scolds obtained until 1809.

There are numerous examples of the flagrant cruelty inseparable from the punishment of placing transgressors in the pillory. The following description is all too typical. One Japhet Cook, convicted of forgery, stood in the pillory at Charing Cross from twelve to one o'clock. He was set on a chair when the hangman, dressed like a butcher, with an implement like a gardener's pruning knife, cut off his ears and with a pair of scissors split both his nostrils, all of which the victim bore with fortitude, but at the searing with a hot iron of his right nostril the pain was so violent that he rose from his chair.

As to the flogging of females, as late as 1764 a woman was conveyed in a wagon from Clerkenwell Bridewell to Enfield, and publicly whipped at the cart's tail by the common hangman for cutting down and destroying wood in Enfield Chase. She was constrained to undergo the same ordeal on two subsequent occasions. There is on record a bill for a nurse to ascertain whether the woman was with child before she was whipped. This form of punishment was often inflicted within the precincts of the gaols.

It is perhaps unnecessary to harrow the feelings of the reader with any further examples of the abominable practice of exposing to the public gaze those things which if they must obtain should be altogether concealed from view. Like the ferocity of the sentences passed upon the criminal, the publicity of his punishment seems to have produced nothing but the most disastrous effect both upon the victim and upon the crowds who con-

EVIL EFFECT OF PUBLICITY

gregated to witness the law's retribution. To a more enlightened generation, better versed in human psychology, there is no great difficulty in accounting for what appears at first sight to be a paradox. There is a complex by no means rare in human nature which induces a craving for publicity whatever form that publicity may take and under whatever circumstances it occurs. A certain perverted vanity is a very common characteristic of the nature that yields easily to temptation. To make a public occasion of the carrying into effect of the sentence passed upon the convicted criminal is to give this curious craving satisfaction. A large proportion of those who appear in our courts to-day derive considerable consolation from what they feel to be the importance of their situation, and if, added to this, they are aware of a certain amount of hero worship from the motley audience that fills the public gallery, the frame of mind in which they face their ordeal is anything but appropriate.

As to the effect which public executions, public floggings, and other exhibitions in the street of a like nature produced upon the crowd, it is surely patent enough to the most casual student of human nature. There can be no baser instinct in mankind than the fascination of seeing others suffer. It is one of those instincts which seem to assimilate human beings to the level of the brute creation. Freud and his school would probably trace it to some perverted sex instinct. Be its origin what it may, for government to conduct the operation of the criminal administration so as to give such an instinct free rein is in the last degree reprehensible.

It is true that in our own times there is no punishment *coram populo* or any of those disgusting exhibitions calculated to satisfy the morbid curiosity of the lewd or

THE DISSEMINATION

the vanity of the criminal, but there is still far too much publicity of another kind which invests him with a quite undue degree of importance. The spirit of adventure has few outlets in these unromantic days, and when a young man of an exuberant nature discovers that the committing of a crime invests him with an importance he would be unlikely to acquire by any other means, not only does this compensate him for much inconvenience but his associates are encouraged to go and do likewise.

A young man should be taught that crime is sordid, selfish and mean, something to be ashamed of and to be dismissed from the mind when the penalty has been paid and reformation in him has been effected. The proceedings which it is necessary to institute to exact the due penalty in the case of the young cannot be too much hidden from public gaze. If there is to be any publicity in connection with crime let it be the publication of the reforms which have been achieved by the new methods and let the only influence upon the public mind be a willing co-operation in the efforts of those who undertake the strengthening of the weakest link in the life of the community and the salvation of those who without these beneficent activities would become a reproach to government and a liability to their fellow-men.

CHAPTER VI

FRESH FIELDS

IT is not the purpose of the present chapter to examine the economic problem occasioned by the initial attempt to colonize virgin soil with convict labour. Experts holding various views will probably debate about its merits or defects to the end of time with no more satisfaction than to cancel out each other's arguments. The subject is here dealt with as part of a consecutive investigation into the methods of the treatment of crime in the eighteenth and the opening years of the nineteenth century.

The motive which first inspired the home authorities to devise some expedient for relieving the mother country of her surplus criminal population was a physical rather than a moral one. The gaols were egregiously overcrowded. Crime, thanks to an inability on the part of statesmen to link up cause and effect with any measure of success, was notably on the increase. Something had to be done to relieve the congestion of the prisons.

It is quite true that in the official announcement as to the intentions of government there are to be found certain pious aspirations, novel as they are suspect, as to the reformation of felons. The object of transportation, it is protested, is

the restriction of the number of capital offences as far as is consistent with the security of society and the employment of every method that can be devised for rendering the guilty

FRESH FIELDS

persons serviceable to the public and just to themselves, for correcting their moral depravity, inducing habits of industry, and arming them in future against the temptations by which they have once been ensnared.

So far so good, but a careful study of the methods by which this solution of the problem was carried into effect must leave us somewhat sceptical of the sincerity of these Pecksniffian sentiments, and induces us to suspect that the main consideration in official circles was that as, according to an accepted but erroneous theory, criminals form a definite class, every reduction of their number would be so much gain to the mother country, whatever it might be to the land of their destination. It had been anticipated that the great distance, the vast expanse of waters between England and Australia, would not only prevent the return of those who had been transported, but would add to the deterrent value of the punishment, a hope that was to be falsified by the considerable number of those who by hook or by crook contrived their return.

If indeed reformation was the object in view little was done to give any effect to such a purpose. But at least it must be conceded that one step forward had been taken from the previous crude method of reducing the so-called criminal population.

The idea of transportation was not a novel one. It may be traced back to the law according to which persons who had taken sanctuary might abjure the realm. Those who took advantage of this custom were not, it is true, sent to a penal colony or to any particular destination, but were cast adrift to live as best they might wherever they could. In all probability the majority selected the pirate vessel as most congenial to their temperaments and circumstances. The Stuart monarchs and Oliver Cromwell found the system of depatriating

ORIGINS OF TRANSPORTATION

inconvenient subjects was not without its advantages, but the actual sale of criminals for terms of years to American planters, although the process originated during the Restoration, was first introduced by Act of Parliament in the year 1718. Shippers received the transportees in return for authority to dispose of them at £20 each. In this way it was taken for granted that there would be less loss of life among their unfortunate charges, it being to the interest of the contractor to keep this human cattle not only alive but in good condition, although they did not always find it easy to fulfil their obligations in virtue of the fact that so many of the convicts came on board with scrofulous diseases contracted in gaol. Mortification of the feet was so prevalent and so deadly that death from this cause alone almost destroyed the profits of the journey. On the whole, however, the trade was a lucrative one and went gaily on at the very time when our statesmen, quick to discern and reprobate the faults of other nations, were asserting the freedom of the black slaves, with whom our English slaves incidentally shared the lash on the American plantations.

The Act of Parliament above referred to allowed the Court a discretionary power to order felons who were by law entitled to "benefit of clergy" to be transported to the American colonies for seven years. This system continued in force until the American Civil War in 1775 during which period a great number of felons were sent to Maryland, where the rigid discipline which the colonial laws authorized the master to exercise over servants, joined with the prospects which agricultural pursuits after some experience was acquired by these outcasts, tended, it is said, to reform them.

Possessed in general as every adroit thief must be [says Colquhoun in his somewhat ungainly style] of good natural

abilities, they availed themselves of the habits of industry acquired in the years of their servitude, became farmers and planters on their own account and many of them, succeeding in these pursuits, acquired not only that degree of respectability which is attached to property and industry, but also in their turn became masters and purchased the servitude of future transports sent out for sale.

According to the same authority, the person contracting for the transportation of convicts to the colonies or their assigns had an interest in the service of each for seven or fourteen years according to their term of transportation. Ultimately the services of convicts were considered so valuable in Maryland that contracts were made to convey them without expense whatever to Government.

The temptation must again be resisted to examine the problem from its economic aspect, and our attention must be exclusively focussed upon the methods by which transportation was carried into effect.

When the American Civil War broke out, America ceased automatically to be a dumping ground for English ne'er-do-wells. The Government had to discover some other solution for the overcrowding of our prisons. Accordingly a project was formed for transporting convicts to an island in the Gambia, but it was soon abandoned as impracticable. Mr. Eden's fantastic proposal that the surplus convicts should be given to the Mohammedan pirates of Algiers and Tunis in exchange for more honest Christian captives was also rejected, and, until some better expedient could be discovered, an Act was passed for the establishment of hulks in home waters. In 1776, as the gaols were insufficient to contain all the convicts who would previously have been transported, the hulks were resorted to as a temporary expedient for their accommodation, but in origin they

THE HULKS

served as the first primitive model of the establishments at Portland and elsewhere in which convicts were employed upon works of more or less public utility. Although far from ideal for the purpose, not until the penitentiaries were established had they any rival in such respect. In the space of nineteen years, during which this form of detention existed, about 8,000 convicts were relegated to an old ship, with the inappropriate name of *Justicia*, which was moored at Woolwich, and to two others in Langston and Portsmouth Harbours. Howard in the first instance seems to have favoured the hulks as useful places of confinement for convicts sentenced to hard labour, but probably only as a *pis aller* and because, if only to a limited extent, one of his favourite reforms, that of convict labour, was thus given effect to.

The punishment in the hulks usually consisted of enforced labour in the dockyard during working hours and confinement in the vessel after dark. Whatever chance there might have been of reformation being effected in the daytime was offset by the vicious conditions under which the convicts spent the night. Colquhoun was far from complimentary about the system.

The hulks vomit forth at stated times upon the public a certain amount of convicts who have no asylum, no home, no character, and no means of subsistence. Polluted and depraved by every human vice being rendered familiar to their minds in those seminaries of profligacy and wickedness from whence they have come, they employ themselves constantly in planning and executing acts of violence and depredation upon the public.

Howard himself could have been under no illusions. His personal investigations revealed an atrocious state of affairs in these floating prisons. He records that out of 632 prisoners on board the *Justicia*, 116 died within nineteen months. In one room 70 feet by 18 feet and

6 feet high were situated nearly seventy convicts, all in total idleness except six or seven who were building a boat for the captain. Five hundred and fifty in all were herded together without classification of age or character. There was no chaplain. Three miserable objects, for attempting to abscond, had been confined in a dark cell at the bottom of the vessel, where they lay nearly naked upon a little straw. At Gosport he found nearly 300 confined in the hulks, and among them were boys not more than ten years old. He describes the convicts on the *Justicia* as of wretched appearance. Many had no shirts, some no waistcoats, some no stockings, others no shoes. Several of them required medical attention, but none was available. The broken biscuit given to them was green and mouldy. The sick, who were only separated from the healthy, if any such there could be in this loathsome prison, by a few boards roughly nailed together, had nothing to sleep on but the bare decks. The water they drank was much tainted. A fetid smell permeated the decks. The sabbath day was observed by a cessation of labour, for which Howard says was substituted profanity. On his telling a surgeon in a Naples galley that in England part of the hulks was a hospital, the latter replied "this must soon make the whole a hospital." It is not then very astonishing to learn from Archbishop Whately that, were it not for the risk of the hulks, the Irish peasantry would have regarded the sentence of transportation as an easy method of emigration.

Thanks to Howard's representations the hulks were much improved, but they obviously could not continue to be the sole solution to the overcrowding of the gaols.

Now it happened that the eastern seaboard of New Holland, the original designation of the Australian continent, recently discovered by Captain Cook and

called by him New South Wales, had been pronounced by this pioneer of empire to be “beautiful for scenery, delicious for climate, and rich in soil.” It remained only for man to make it vile. The coincidence of such a discovery and the necessity of doing something to rid England of the incubus of overcrowded gaols suggested to the Government that this new El Dorado would suit its purpose. Accordingly an official letter dated 18th August, 1786, was addressed to the Lords Commissioners of the Treasury suggesting Botany Bay, a series of beautiful meadows abounding in the richest pastures and only inhabited by a few savages might be an admirable destination for the savages at present a heavy charge upon their Lordships at home.

In a contemporary pamphlet it is protested that the heavy expense Government is annually put to for transporting and otherwise punishing felons together with the facility for their return are evils long and much lamented. *There* is an asylum open and it will considerably reduce the first and wholly prevent the latter.

Under the existing circumstances and so long as the administration of justice and prisons went unremedied it cannot be questioned that there was some merit in the proposal. It must be remembered that the alternatives for the hardened criminal were Newgate, the hulks, and for a selected number Tyburn Tree. It is not surprising therefore to find recorded in contemporary writings that some of the felons

embraced this rigorous alternative even with a degree of cheerfulness and, strange to tell, there have not been wanting voluntary candidates for banishment to that remote shore.

But so long as brutal methods of treatment of felons obtained the system of transportation was from the

point of view of reformation foredoomed to failure and great suffering was certain to follow in its operation. The methods adopted transgressed all those wise precepts set out by Francis Bacon in his *Essay on Plantations*. Abuses commenced before the convict embarked. As Archbishop Whateley observed,

sentence of transportation does not, as a stranger might suppose, imply some one description of punishment, but several different ones such as (besides actual removal to New South Wales) imprisonment in a house of correction, confinement on board the hulks, etc., with the greatest uncertainty as to what description of punishment really does await each criminal.

Thus there grew up the abominable abuse that in many cases the term of their transportation did not begin until three or four years after the convicts had received sentence, languishing in Newgate in the meanwhile.

Welcoming any expedient which was calculated to get these undesirables out of sight and out of mind, Parliament readily approved and set about making the necessary dispositions.

There was to be a Governor, Lieutenant-Governor, a Commissary and a Chaplain. Captain Arthur Phillip, described, probably correctly, as "intelligent, active, firm in making his authority respected, combined with mildness to render it pleasing," was selected for the post of Governor. Lord Sydney, First Lord of the Admiralty, gave him some discretion as to the choice of locality. He received his commission on 27th April, 1787.

It is fair to Captain Phillip to explain that his original ambition had been to build up a community consisting of free settlers sprinkled over a convict base. But such an ideal solution of the problem set him was easier to conceive than to carry into effect. The vast distance from home, with such inadequate communication and

G O V E R N O R P H I L L I P

ignorance of the potentialities of the land were sufficient at first to deter any free men from undertaking the risk and hardship of blazing the trail until those who were compelled to go had effected the essential pioneering work and had made some of the rough places smooth for their successors.

In May, 1787, the first fleet collected at Spithead, containing exclusively officials, troops and convicts. There were six convict ships accommodating 558 men, 192 women, of whom twenty-eight were wives, and twenty-eight children. The experiences of that first journey have been but meagrely recorded. For two months the ships delayed, swinging at anchor in the Solent. Ultimately they set out by a circuitous route via Rio de Janeiro in order to avoid the great areas of calm atmosphere near the African coast.

Many of the convicts were embarked in a sickly state, some of them were too elderly for such an enterprise. Before the journey was over the death-roll had risen to seventy-two. There is one reference to an attempted mutiny, which was suppressed. Beyond the above meagre details we can learn little of the experiences endured by the victims on that infernal journey.

If only Governor Phillip had been given any encouragement instead of being met with blank negatives at every turn he might have proved by his humanity and ingenuity a great pioneer of the new treatment of the delinquent. Before starting he had asked for such officers as would, when they saw the convicts diligent, say a few words of encouragement to them. Those who were selected, however, both civil and military, refused to respond to such an appeal. "They declared against what they called interference with convicts, and I found myself obliged to give up the little plan I had formed on the passage for the government of these people." It

FRESH FIELDS

was a great opportunity missed for breaking away from the old tradition that the convict was a brute and that nothing but brutal treatment was appropriate, but the opportunity was lost. If some reforming genius of the type now in charge of our boys' prisons, with no idea influencing him but to raise the fallen, had been in command of that first expedition, a very different story might have been told of this first venture in the colonization of our dominions overseas.

Captain Phillip arrived at Botany Bay on 18th January, 1788, but he found Port Jackson "the finest harbour in the world" and more suitable for his ships. He called the cove "Sydney." A crude ceremony took place on the 21st January, the date of the settlement, when all officials paraded, guns were fired from the ships, and convicts were given a ration of rum. The occasion seemed almost auspicious. The Governor read the Act of Parliament creating the colony and addressed the convicts, telling them it was to their interest to forget the habits of idleness in which hitherto too many of them had lived. He exhorted them to be honest among themselves, obedient to their overseers, and attentive to the works upon which they were about to be employed. He told them that he had noticed illegal intercourse between the sexes, which encouraged general profligacy, and he strongly recommended them to marry. His advice on this subject was readily accepted, and fourteen couples were married in the following week. We are told, however, that some of the convicts wished to marry in the belief that marriage would entitle them to more comforts and privileges, a novel and intriguing form of "marriage of convenience." When they were disillusioned some of them asked to have their marriages annulled. Marriage of those who had partners forsaken in England was of course refused, although

FIRST EXPERIENCES OVERSEAS

convicts so situated thought bigamy under such circumstances would be legal. It is said that the Governor was constrained to give warning that marriages contracted in New South Wales would be regarded as binding, despite the contrary belief amongst the convicts.

His exhortations in other directions were not quite so successful. Nine convicts deserted soon after their arrival, purloining the implements they had been served out with. Two fair shop-lifters hearkened to the blandishments of some French sailors on a discovery ship, which had entered the bay almost simultaneously with the English expedition, and were missed when the French ship had sailed. The absconding of even predatory females must have been, under the peculiar circumstances, an appreciable deprivation to this infant colony.

Men who had been of good behaviour on the journey out were appointed as overseers. Thatched huts for the temporary accommodation of the convicts were built until the brick gangs were able to improve their output sufficiently to supply material for more substantial dwellings. Ground was cleared for storehouses.

But the high hopes which were at first entertained for the success of the scheme soon evaporated. The Lieutenant-Governor, writing home a few months after the landing, passed the following strictures upon the experiment :

I think it will be cheaper to feed convicts on turtles and venison at the London Tower than to be at the expense of sending men here. In the whole world there is not a worse country than what we have seen. All that is contiguous to us is so very barren and forbidding . . . almost all the seeds we have put in the ground have rotted. . . . If the Secretary of State sends out more convicts I shall not scruple to say that he will bring misery on all that are sent.

Successive Secretaries of State were evidently of a

FRESH FIELDS

different mind or were of a cast of mind that was indifferent to human suffering. Between 1787 and 1857 no less than 108,715 convicts were transported to the Australian colonies.

The account given by the Lieutenant-Governor is corroborated by the French discoverers who, as described, had abused Captain Phillip's hospitality. "The country is poor," they said, "the people are miserable."

At first it was reported that the prisoners conducted themselves with more propriety than could have been expected from their antecedents. But Phillip had soon occasion to revise such an estimate. It became necessary for him to threaten execution for robbery from huts or stores, so scarce and valuable was the food supply. The seamen from the transports gave trouble by bringing spirits ashore with which to tempt the convicts.

The Governor suffered little delay in setting up a criminal and a civil court, the former being badly needed. Although for those days a humane man it is on record that he hanged a youth of seventeen years of age for stealing stores from a tent, and gave another 150 lashes for some similar offence. The lash has been too closely identified with early British colonization to suffer us to believe that the original settlement was conducted upon any other method but that of brutality.

Amid various discouragements, including famine and illness—there was much scurvy and dysentery—the convicts did not prove themselves industrious. They only worked sufficiently hard to avoid punishment. But when it is said that the labour of these convicts was of little value it must be remembered that they often set forth to their work in a half-starved and ill-clad condition. The food supply was always a problem. Careful rationing was indispensable and often exiguous. Fishing, as a method of increasing the scant food supply,

INTERCOURSE WITH NATIVES

was not a great success. Two years' provisions had been brought from England, and these had been supplemented with stores taken on board *en route*. But little could be done to augment the supply except for seed, wheat and flour procured from the Cape. Under such circumstances the convicts suffered much from want of proper nourishment. Owing to reduced rations there was even pilfering of the ripening wheat. Convicts would eat their weekly supply of rations in a day or two, and then rob to supply the necessities for the remaining days. The convict overseers proved useless as an adjunct to authority.

One undesirable diversion was the intercourse of the convicts with the natives, who Phillip describes as "noisy but friendly, curious, but tractable when not insulted or injured." Friendliness, however, was soon at an end. With so small a female population in their own settlement doubtless the main attraction of the kraals of the aborigines were their womenfolk. Bonwick records that the convicts stole and ill-treated the native children, seized upon the young women to subject them to their brutal passions, and wounded or slew complaining husbands or fathers. So serious did the tension between white and black become that on one occasion after a fight the Governor ordered 150 lashes for each of his unwounded subjects, who were compelled to wear fetters for twelve subsequent months, the same punishment being enacted for the wounded on recovery.

The soldiers were a constant cause of annoyance to Governor Phillip. Writing in 1794 he says, "They were observed to be very intimate with the convicts, living in their huts, eating, drinking, and gambling with them, and perpetually enticing the women to leave the men." Hunter in 1796 makes even stronger complaint of them :

FRESH FIELDS

They are sent here to guard and to keep in obedience to the laws when force may be requisite a set of the worst, the most atrocious characters, and yet we find amongst those safeguards men capable of corrupting the hearts of the best disposed and often superior, in every species of infamy to the most expert in wickedness amongst the convicts.

Exemplary punishment was growing daily more necessary in this quaint microcosm of the outside world. Much disorder arose in early times from the want of night accommodation for the convicts, who had to perform extra work after Government hours to earn the means for a lodging. Prowling, drinking, debauchery and robbery ensued. To obviate perpetual thieving an order was given that those found guilty would be clothed in a canvas frock and trousers. Those who failed to do a fair day's work were to receive only two-thirds of the normal ration. A woman caught as a receiver was ordered to have her head shaven and was clothed in a canvas frock with a threat of further punishment if she discarded it. It was found necessary to make regulations that boats should not be built exceeding a certain size in order to deter attempts to escape by sea. Rigours of the country inland and the hostility of the natives prevented escape in any other direction, but even so it became necessary for the Governor to warn convicts that any trying to escape into the woods were to be shot at sight.

In 1788 a small colony was established on Norfolk Island owing to the lack of fertility on the mainland. For this purpose seventeen acres of land were cleared, a night watch was set at Rose Hill (afterwards Parramatta) to prevent offences at night. A system of patrols drawn from the more trustworthy convicts was devised. They detained stragglers found abroad after dark, tracked gamblers and those who stole their clothes and pro-

HARDSHIPS ON THE JOURNEY

visions. Greater fertility decided the Governor to increase this miniature colony, which existed for some years until for various reasons the place was evacuated.

As time went on more transports arrived bearing more convicts. There were constant reports from the Governor of these transportees arriving in a deplorable condition, "so emaciated, so worn away by long confinement or from want of food or from both these causes." Many died as they were being landed. "All this was to be attributed to confinement in a small space and in irons, not put on singly but many of them chained together." The convicts slept in long prisons below deck in bunks and hammocks, five in a berth. In these quarters they worked, ate their food and spent the greater part of the day. They came on board in double irons, which were sometimes struck off after the voyage had begun, but were resumed in cases of convicts proving troublesome. Corporal punishment was frequent. Although they were allowed on deck only very few at a time several had died in irons, their deaths being concealed by their fellows so that the latter could obtain for as long as possible the rations of their dead companions.

In July, 1790, Surgeon White compiled a report in which occurs this passage :

Of the 939 males sent out by the last ships 261 died on board and 50 have died since landing. The number of sick this day is 450, and many who are not reckoned as sick have barely strength to attend to themselves. Such is our present state.

He further records that, having placed these wrecks of humanity under tents, he did his best for their relief, but though accustomed to the sight of human suffering he broke down in his grief at the recital of their tales of misery. The bodies of those who had died after the ships had weighed anchor, before they could be taken on

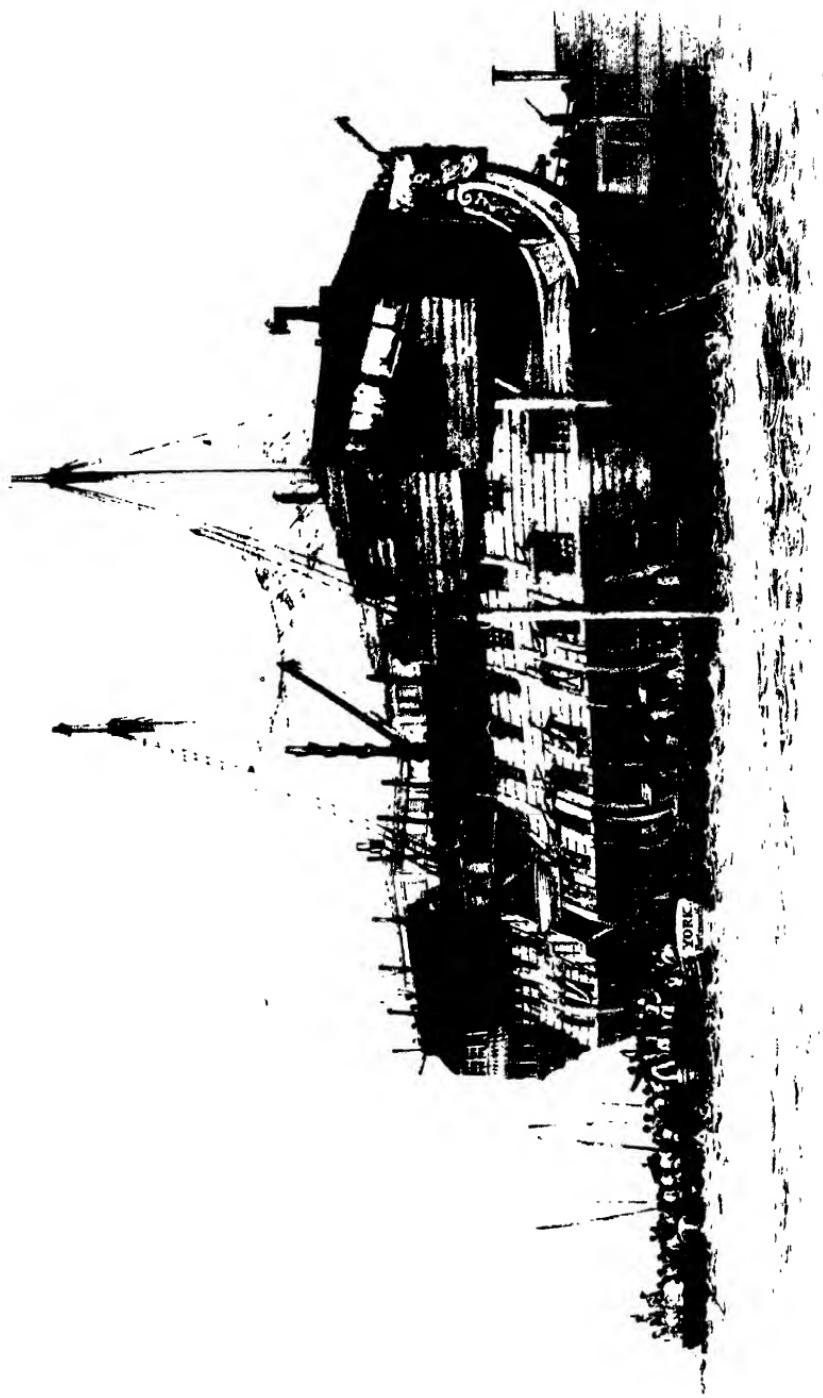
FRESH FIELDS

shore, were thrown into the harbour. Their dead bodies could be seen cast up naked upon the rocks.

The blame for the atrocious conditions under which convicts were deported must attach to the Home Government. Incredible as it may appear, the authorities responsible entered into a contract with a firm of London merchants for transporting a thousand convicts at £17 a head, embarked, including feeding them, without any stipulation whatever for their well-being or indeed for their preservation. To the owners of these vessels the dead were as profitable as the living, "if profit alone was consulted by them and the credit of their house was not at stake." James Bonwick, in his *First 25 Years in Australia*, observes :

The worst system ever adopted was that in which the Ministry fancied they relieved themselves of all responsibility. By paying shippers so much a head for the voyage they made no provision for the due performance of the contract. The voyages were often much more tedious from the miserable vessels engaged. The food was scanty and bad ventilation was ignored. Discipline was lax or brutal. It was to the interest of merchants that the number of rations be reduced. Every death on the voyage was a gain of so many pounds. The officers on board were often parties in the traffic, personally interested in landing as few as possible. . . . It is calculated that during the first eight years at least one-tenth died on the way. A much larger proportion suffered in health and died after landing. . . . By the regulations the convicts were allowed ten at a time to take exercise upon deck, and yet on one plea or another days and even weeks passed without their deliverance from the hold. . . .

The real or pretended attempts at mutiny intensified the misery of the passage. The poor wretches might well have complained of hard fare and hard usage—stowed below in foetid quarters, half-clad, lying in wet



CAPTAIN HOGAN'S NARRATIVE

places with insufficient covering or absolutely destitute of it, stripped of the few comforts which had been provided by friends, bullied by brutal officers, beaten without cause, conscious of exposure to disease and death, helpless and hopeless in their half-starved condition. Did they complain, the remonstrance was made the ground for inflicting fresh tortures. Chains and floggings added to their horrors.

Phillip, in his dispatches, indicates a terrible negligence on the part of the home government in relation to the circumstances of transportation.

No kind of necessaries for the sick after landing were sent out. Most of the tools were bad. Of 30 pipes of wine ordered for the hospital only 15 were purchased. Not a wooden bowl that would hold a quart. The clothes of the convicts are in general bad and there is no possibility of mending them for want of thread. It is the same with the shoes, which do not last a month.

There is extant an interesting account given by Captain Hogan of a mutiny of convicts aboard H.M.S. *Marquess of Cornwallis*, outward bound in 1796 for New South Wales. Most of the convicts were Irish. One of their number revealed to the Captain a plot on the part of his fellows to kill the officers and take the ship to America. The Captain thereupon held a council of war with the soldiers and crew.

They were [he said] unanimously of the opinion that the ringleaders should be punished, and it was not without much difficulty I was able to get their lives spared, by promising the seamen and the honest part of the soldiers that each man should take his part in flogging them at the gangway . . . at eleven o'clock we commenced flogging these villains and continued engaged on that disagreeable service till 42 men and 8 women received their punishment. . . . On the 22nd at 9 p.m. I heard dreadful cries in the prison and found those who

FRESH FIELDS

had not been punished were murdering those that gave any information, which were now above twenty—too many to keep on deck. To rescue these from the vengeance of the others I was obliged to fire amongst them with blunderbusses and pistols, and on appeasing their rage, I hauled out some of the fellows they were destroying almost speechless. None of the convicts were killed on this occasion, but many of them dangerously wounded.

Small wonder that Governor Phillip found cause to complain of the poor condition in which his settlers arrived at their destination !

Although it must be admitted there is a brighter side to the history of transport ships, and on occasions the human cargo would arrive healthy and speaking well of their treatment, there can be no doubt that brutal hardship, and unnecessary suffering and degradation characterized this abominable abuse in the service of the State. It was some while before the Government repented it of these evils and had recourse to the simple expedient of paying a premium to the officers in charge for the number landed in health.

For several years after the first settlement reports are constant of increasing famine. In fact it was even said that the dreadful mortality on board the convict ships was a blessing in disguise, as there was thereby a lessened demand upon the stores.

Eventually the day dawned when the Governor was faced with the problem of the time-expired convict settler. It was within the power of the Governor to permit remission of part or the whole of the term for which convicts had been transported. These were informed they would be given every encouragement to settle in the colony. Those not wishing to settle would have to work for their keep from 12 to 18 months, and then if any wished to return to England they would

THE TIME-EXPIRED CONVICT

do so at their own expense. Although most of them wished to return home no assistance was given to them by Government. They were made to declare how they wished to live in the future. Those wishing to provide for themselves received a certificate stating they were free men and were thereupon struck off the provision and clothing list. They were to report weekly how they were employed and by whom. If they were willing to work for the public they were to give their names to the Commissary in order that they might be clothed and fed as far as the food and clothing in his department sufficed. It was a very difficult matter to get away from the colony as the ship masters had a clause in their contracts which forbade them to enship ex-convicts without permission of the Government. Many of the convicts made indifferent settlers. On Norfolk Island they were only industrious to raise money sufficient for their journey to England.

In 1792 the Governor in a dispatch wrote home :

A few intelligent farmers as settlers would do more for the colony than 500 settlers from soldiers or convicts, very few of whom are calculated for the life they must necessarily lead in this country, where they are so entirely cut off from those gratifications in which most of them have placed their happiness.

In 1795 the Governor, in addition to the chronic complaints of shortage of food, made representations as to the need for material for clothing. He writes to the Prime Minister : "Your Grace's own private feelings will suggest what I must experience by continual petitions for a people nearly naked, expressive of wants which it is not in my power to relieve."

Apart from economic difficulties, another problem due to the negligence or indifference of the home authorities

FRESH FIELDS

presented itself to the Governor of this early settlement. There were apparently no records relating to the convicts transmitted to the Governor on their arrival, in some cases not even any information as to the term of their service. It was obviously wrong that, when first disposed of on shore, convicts were not classified according to their offences. Under the circumstances the most ferocious murderer and the comparatively innocent man transported for some political or military offence were classed together, and worse still, assigned into the same private service. The plan of employing them as domestic servants was detrimental. Felons under the care of a good master could be seen working unconcerned as if they had arrived with the most unblemished characters or highest recommendations. Yet another fault of the system was allowing men to be assigned to their own wives. Nothing was more common than for the husband to be transported leaving the wife to follow with the plunder, and, on her arrival, by this subterfuge living comfortably in conjugal felicity on the profit of their former depredations.

Assignment of prisoners to private individuals first commenced in the case of the civil and military officers. They usually made better masters than those who had themselves emerged from bondage. The assignment system continued in force in New South Wales and Van Dieman's Land till the matter was brought up at home chiefly through Archbishop Whately.

No account of the earlier settlement of New South Wales would be complete without detailed reference to the treatment of women convicts. For a government which did not care whether they were redeemed or not the chances of any kind of reformation in the case of females from this novel experiment were obviously remote.

THE FEMALE TRANSPORTES

Licentiousness [as Bonwick remarks] could not but follow the evil arrangements made by the Home Government that sent out so few females, even of convicts, and that provided no means for the emigration of free women of a better character, many of whom were then sadly in want of a decent home in Britain.

It was a practice amongst the female transportees to riot previous to their departure from Newgate, breaking windows, furniture or whatever came within their reach. They were generally conveyed from the prison to the waterside in open wagons and went off in anything but a chastened mood in full view of a crowd of loafers, whose behaviour was not calculated to make the scene any the more edifying. The mode in which they were brought on board is thus described—they arrived from the country in small parties at irregular intervals, having been conveyed on the outside of stage coaches or any other available conveyance under the care of a turn-key. Some were accompanied by their children as destitute as themselves, with insufficient clothing, others were destined to be separated for ever from their families. They were almost invariably ironed. On one occasion eleven from Lancaster boarded the ship with a metal hoop round their legs and arms, and chained to each other. Until as recently as the year 1842 there were no female officers to receive the convicts on board or to remain in charge of them from the time of their embarkation until they reached the land of exile.

Women and sailors lived promiscuously together on the ships going out to the colony. In spite of complaints made to Governor Macquarie no effort had been made to remedy this scandal.

Lieutenant Bond, of the Marines, records what he alleges he saw on the arrival at the port of Sydney :

The commissioned officers then come on board, and as they

FRESH FIELDS

stand upon deck select such females as are most agreeable to their persons. . . . In this state some have been known to live for years and to have borne children. The non-commissioned officers were then permitted to select for themselves, the privates next, and lastly those convicts, who having been in the country a considerable time and having realized some property are enabled to procure the Governor's permission to take to themselves a female convict. The remainder, who are not thus chosen, are brought on shore, and have small huts assigned them, but through the want of some regular employment are generally concerned in every artifice and villainy which is committed.

This evidence is corroborated more or less by other witnesses. Men claimed female convicts, newly arrived, as the wives they had left in England, while it was useless to contest the point if the woman was a willing accessory to the fraud. "No objection was offered by the authorities unless they were desired by a more influential applicant."

Small wonder that an adverse report was made in 1800 of these unfortunates "who to the disgrace of their sex," according to this account, "are far worse than the men and are generally found at the bottom of every infamous transaction that is committed in the colony." But surely it would have been more to the point had a Member of Parliament protested that it was to the disgrace of the Government and administration responsible that conditions should exist which ensured the prostitution of women who might otherwise have become a credit to their sex.

Writing home in 1819 the Rev. Samuel Marsden, Chaplain in New South Wales, makes reference to the plight of these unfortunate exiles :

I have been striving for more than twenty years to obtain for them some relief, but hitherto have done them little good. It

S A M U E L M A R S D E N ' S L E T T E R

has not been in my power to move those in authority to pay much attention to their wants and miseries.

In the year 1807 I returned to Europe. Shortly after my arrival in London I started a memorial to His Grace the Archbishop of Canterbury relating to the miserable condition of the female convicts, to His Majesty's Government at the Colonial Office, and to several members of the House of Commons. On my return to the Colony in 1810 I found things in the same state I left them in . . . no instructions had been communicated to His Excellency by His Majesty's Government. Nothing has been done to remedy the evils of which I complain. For the last five and twenty years many of the convict women have been driven to vice to obtain a loaf of bread or a bed to lie upon. To this day there has never been a place to put the female convicts in when they land from the ships. Many of these women have told me with tears their distress of mind on this account, some would have been glad to return to the paths of virtue if they could have found a hut to live in, without forming improper connections. Some of these women when they have been brought before me as a magistrate, and I have remonstrated with them for their crimes, have replied, "I have no other means of living. I am compelled to give my weekly allowance of provisions for my lodging, and I must starve or live in vice." I was well aware that this statement was correct, and was often at a loss what to answer. It is not only the calamities that these wretched women and their children suffer, that is to be regretted, but the general corruption of morals that such a system establishes in this rising colony and the ruin their example spreads through all the settlements. The male convicts in the service of the Crown or in that of individuals are tempted to rob and plunder continually to supply the urgent necessities of these women. All the female convicts have not run the same lengths in vice. All are not equally hardened in crime. It is most dreadful that all should alike, on their arrival here, have to be liable and exposed to the same dangerous temptations without any remedy.

FRESH FIELDS

What was known as the Cascade Factory was a receiving house for the women on their first arrival, is not already assigned from the ship or on their transition from one place to another, and also a house of correction for faults committed in domestic service, but with no pretensions to being a place of reformation or discipline, and seldom failing to turn out women worse than when they entered it. Religious instruction there was none except that occasionally on the sabbath day the superintendent or the chaplain, who had also an extensive parish to attend to, read prayers. The officers of the establishment consisted of only five persons. The number of prisoners in the factory was 550. It followed as a consequence that nothing resembling prison discipline could be enforced or even attempted. In short, so congenial to the taste of the majority of the inmates was this place of custody that they returned to it again and again when they wished to change their situation in service, and they were known to commit offences on purpose to be sent into it preparatory to their being assigned elsewhere.

In July, 1812, a House of Commons Committee reported on the affairs of New South Wales. In 1810 the population consisted of 5,513 men, 2,220 women, and 2,721 children. A considerable proportion of these were convicts. There were in addition 1,100 troops. In good years the colony had proved itself to be self-sufficient in corn, but it was still necessary to continue to import a certain amount of salted provisions. Attempts to regulate the supply of spirits had met with considerable difficulties. Such system of licensing as there was could not be expected to compete with illicit stills. The jurisdiction of the magistrates was the only resource available to the inhabitants for their protection against offenders.

CONDITIONS OF TRANSPORTATION

The Committee found that the manner in which the Government's extensive powers had been used was not always such as to give satisfaction to the colony. A suggestion was made for a Governor's council.

If the prosperity of the colony be chained to unwholesome restrictions the exertions and industry of the convicts cannot be advantageously called into action during their servitude, and but little inducement will be held out to them to become settlers after their emancipation.

The Committee proceeded to describe the method of transportation from England. When the hulks were full up a vessel was employed to take part of the convicts to New South Wales. A selection was in the first instance made of the males under the age of fifty, if sentenced to transportation for life or for fourteen years, and the number was filled up with such of those sentenced to transportation for seven years as were the most unruly in the hulks or had been convicted of the most atrocious crimes. With respect to female convicts, it had been customary to send, without any exception, all those whose state of health would permit and whose age did not exceed forty-five years. The Irish were sent with less discrimination than the English as the hulks had not been instituted in any part of Ireland. Transport ships were advertised for and the lowest tender was accepted. Clothing, provisions and a doctor were supplied during the voyage, but no arrangement had been made for the convicts' spiritual welfare. There were approximately 200 carried in each vessel, with a guard of thirty men and one officer.

"However bad the treatment of the convicts on board the vessels formerly may have been," runs the report, "the present system appears to your Committee to be unobjectionable." This expression of view must surely

FRESH FIELDS

apply to the setting up at this time of a Transport Board under the orders of the Treasury and Home Office, which engaged the vessels and victualled them through a Victualling Board, a distinct improvement upon the previous procedure. The master of the ship was now liable under heavy penalties if he did not hand convicts over safely at the end of the voyage. The Governor gave a certificate if he was satisfied that orders had been complied with. But without such a certificate the master might be prosecuted in England or lose part payment for his services. Subsequently naval surgeons were appointed by the Transport Board to which and not to the master of the ship they were responsible. It was certainly high time that a more systematic control of the convict ships was exercised by Government.

The Committee records that, between 1795 and 1801, 3,833 convicts were embarked, of which 385 died on the voyage, a death-roll of one in ten. After 1801, 2,398 were embarked, of whom one in forty-five had died.

Upon arrival of a transport returns were asked for the number of men wanted by the settlers, the skilled labour being reserved to Government.

Prisoners who have been in a higher station of life have tickets of leave given them and are exempt from compulsory labour. Similar tickets are given to men not used to active employment such as goldsmiths, the rest being distributed amongst settlers as servants and labourers. The convicts in Government service are divided into gangs with superintendents chosen from those of good behaviour. The working hours are from 6 a.m. to 3 p.m., with the rest of the day to themselves. They are clothed, fed decently, and mainly lodged by Government.

The Committee animadverts on the subject of flogging, which from certain contemporary accounts had become a scandal, although the settlers had no authority to

FLOGGING

inflict this punishment, which could only be carried out by the order of a magistrate. As many as 300 lashes had been administered. The following account, given by a witness, the reliability of which is vouched for, is not an attractive picture of the methods of discipline employed.

I have seen men, for mere venial offences, scourged until the blood has dripped into their shoes, and I have seen the flesh tainted and smelling on a living human body from the effects of severe flagellation . . . upon a charge of an overseer that the prisoner neglected his allotted task. After being flogged he must again instantly to the fields . . . for him there is no compassion.

This and similar testimony induced the Committee to suggest that extra labour should be given as an alternative to flogging.

The Committee, however, reported that it had heard nothing but good of the treatment of male convicts by the settlers. Where two or three convicts were domiciled in a family they were forced into industrious habits and their chances of reformation were consequently greater than if they were working in gangs with every inducement to vice of all kinds. Distribution of convicts as servants and labourers of individuals was therefore recommended. Freedom had been given to convicts whose time had expired and were at liberty to return to England. Grants of land, however, were made to them according to their needs, and they were fed from Government stores for eighteen months after their release. Many were reported to be doing well.

But however much the Committee viewed with favour the treatment of the men, no words could be trenchant enough to describe the situation of the women convicts. It is a terrible indictment of the system.

FRESH FIELDS

Received rather as prostitutes than as servants, and so far from being induced to reform themselves, the disgraceful manner in which they were disposed of operated as an encouragement to general depravity of manners.

When Governor Bligh arrived two-thirds of the children born in the colony were illegitimate. Governor Macquarie took measures to encourage marriage and to ensure a proper distribution of female convicts. The already great disproportion of the sexes made this desirable.

Presumably this is the most authoritative account of the colony as it presented itself after the first twenty-four years of its existence. It is obvious that many abuses had been redressed, but there is little either in this account or any other to justify from the moral point of view, however successful it may have been from the economic, the experiment of colonization with convict personnel.

An editorial of the *Sydney Gazette* dated 20th November, 1820, the historical value of which it is difficult to determine, hardly bears out the findings of the House of Commons Committee :

The prisoners of all classes in Government service are fed with the coarsest food, governed with the most rigid discipline, subjected to the stern and frequently capricious and tyrannical will of an overseer ; for the slightest offence (sometimes for none at all, the victim of false accusation) brought before a magistrate whom the Government has armed with the tremendous powers of a summary jurisdiction, and either flogged or sentenced to solitary confinement or re-transported to an iron-gang, where he must work in heavy irons, or to a penal settlement, where he will be ruled with a rod of iron. If assigned to a private individual he becomes the creature of chance. He may fall into the hands of a kind and indulgent master, who will reward his vitality with suitable acknowledg-

PLIGHT OF THE ASSIGNEES

ment, but in 99 cases out of 100 he will find his employer suspicious or whimsical, or a blockhead, not knowing good conduct from bad, or a despot who treats him like a slave, cursing and abusing and getting him flogged for any reasonable cause. He may be harassed to the very death, he may be worked like a horse. The master, though not invested by law with uncontrolled power, has yet great authority, which may be abused in a thousand ways precluding redress. Even his legal power is sufficiently formidable. A single act of disobedience, a single syllable of insolence, is a legitimate ground of complaint before a magistrate, and is always severely dealt with. But besides the master's power, the prisoners are in some measure under the domination of the free population at large, any man can give him in charge without ceremony. If seen drunk, if seen tippling, in the public-house, if met after hours in the street, if unable to pay his trifling debt, if impertinent, the free man has nothing more to do than to send him to the watch house, and get him punished. The poor prisoner is at the mercy of all men. . . . Submission from convict servants is not only expected but enforced, and yet the treatment they generally receive nourishes all the elements of disobedience and rebellion. Reformation is forgotten.

Charles Darwin, in his *Voyage of the "Beagle"* in 1836, is equally at variance with official findings :

There is much jealousy between the children of the rich emancipists and the free settlers, the former being pleased to consider honest men as interlopers. There are many serious drawbacks to the comforts of a family, the chief of which is being surrounded by convict servants. How thoroughly odious to every feeling, to be waited on by a man who the day before, perhaps, was flogged from your representation for some trifling misdemeanour. The female servants are of course much worse. Hence children learn the vilest experiences and it is fortunate if not equally vile ideas. . . .

The corporeal wants of the convicts are tolerably well supplied, their prospect of future liberty and comfort is not distant, and after good conduct certain . . . yet with all this,

FRESH FIELDS

and overlooking the previous imprisonment and wretched passage out, I believe the years of assignment are passed away with discontent and unhappiness . . . the convicts know no pleasure beyond sensuality, and in this they are not gratified. . . . The character of the convict population is one of arrant cowardice . . . the worst feature in the whole case is, that although there exists what may be called a legal reform, yet that any moral reform should take place appears to be quite out of the question . . . a man who should try to improve could not while living with other assigned servants, his life would be one of intolerable misery and persecution.

Herman Merivale, in his *Lectures on Colonization*, is of much the same view :

The state of public morals in New South Wales and Van Dieman's Land is but too plainly evinced by the criminal returns from those countries. Severe and constant watchfulness alone restrains the commission of crime. Almost every wickedness of luxurious and corrupt societies is practised there amidst a scanty, laborious and unrefined population. This vicious class exercises an extensive influence on the remainder of the community. Convict servants introduced crime and recklessness into families of respectable emigrants. Freed convicts either became low and brutal or else able and dextrous, amassing fortunes by iniquitous means.

Until the arrival of General Darling there was no classification of prisoners attempted. An article in a newspaper of 1832 states that the Governor depended for the success of his administration upon the maxim that "where education has been implanted morality may slumber but never die." Those who had had the advantage of a decent upbringing were placed in the distant settlement of Wellington Valley, and the result of their segregation from the lower type of criminal was extremely favourable. During former governments they had been subjected to the most degrading punishments

LAST PHASE OF TRANSPORTATION

and privations without adequate cause, sometimes exceeding that to which the most abandoned ruffians were subjected, placed as they were under brutal overseers, themselves criminals, who obtained their brief authority by means of bribery, fraud and subserviency.

In 1831 a Select Committee on Secondary Punishment revealed some further interesting details on the whole question of transportation, but the evidence as to the circumstances and welfare of the convict settlers was still somewhat conflicting. It is possible, however, from this and other reliable sources to form a composite picture of the general average conditions prevailing during the last phases before transportation finally ceased. The fate of the convict when he arrived now depended upon his classification. There is no question that the actual penal settlements both in Australia and Tasmania, with their insufficiency of food rations, the filthy quarters the victims were compelled to inhabit, with their chain gangs, floggings, and other attendant horrors, condemned them to the most atrocious conditions of life. But the lot of the assignees who went up-country and were allocated as domestic servants or labourers to a free settler was not invariably so rigorous or so degrading. This contingency, of course, depended much upon the character of the employers, the majority of whom being in those days pioneers themselves, opening up a new country, were likely to exact the uttermost effort from workmen whom they could utilize for the purpose at a much lower wage than that offered to a free labourer. Accounts were given in evidence of many of these assignees undergoing severity of treatment, working from morning until night, being deprived of what few trivial comforts that fell to their lot, such as tea and tobacco, for the slightest offence. Convicts running away from their masters received 50 to 100 lashes.

It is not surprising to learn that agricultural labourers in England, who received accounts from overseas, should have regarded the prospect of transportation with terror. The London thief, especially the married man with a family, preferred to remain in England, and to endure the rigours of Newgate in the hope of returning to his relations when free again. Although it is true that it was ultimately found necessary to send wives and children of transportees out to them at public expense, provided the husband could support them, the conditions of this concession being a minimum of three years' convict service with good conduct, as a matter of fact few families went from England, and not a third of the wives.

The general impression was that ticket-of-leave men or emancipated convicts had not been reformed. Male and female convicts were permitted to intermarry during their bondage with the sanction of the Governor and on the recommendation of their masters. The state of morals in the towns, especially Sydney, was bad. Emancipists who from a state of degradation and restraint at once arrived at all the privileges of free subjects, could not be punished summarily, and were held to be mainly responsible for the low standard of general conduct. The morals amongst the women left much to be desired. The Factory at Parramatta, where they were sent for punishment, had an ill name and was badly administered.

It remains to give some description of the convict settlement in Van Dieman's Land, the original name given to the Island which is now Tasmania. The novel-readers of the nineties were much intrigued with a story by Marcus Clarke—*For the Term of his Natural Life*—which through the medium of fiction conveyed an impression which, discounting the romantic element, was hardly in excess of the terrible truth.

SETTLEMENT IN TASMANIA

The convict settlement in Tasmania had its origin in an expedition sent by Governor King of New South Wales, under the supervision of Lieutenant Bowen in the year 1803, consisting of two ships carrying three officers, a lance-corporal and seven privates in charge of twenty-five convicts and six free men. In the same year a Colonel Collins brought more soldiers, convicts and officials, and gradually the convict settlement increased and continued until its abolition in 1853. The voyage of the convicts to Van Dieman's Land seems almost to have excelled in hardship and suffering similar voyages to the Australian Continent. There was no employment on board, and the convicts spent their leisure in conversation which was the reverse of edifying for the younger section of the transportees, and in thieving from each other. Boys were huddled below in a separate compartment, exposed, as could only be expected, to considerable moral pollution, made the worse by their association with the older men on deck. There was no close superintendence to counteract these evils. On disembarkation the convicts were transferred to the barracks, where they were kept until they were assigned. Boys were allowed to mix with the men in this place of reception during the day, with ill effects. The language, pilfering and sexual vice were attested by witnesses before the Committee. But it was not until 1838 that the full detail of the horrors that disgraced the convict settlements of Tasmania was revealed to the world.

It was the Secretary of State who arranged as to which particular colony the convicts should be sent, but his selection does not seem to have been determined by the particular nature of the crime. In a colony the convicts were classified into seven classes, ticket-of-leave men, convicts assigned as servants, convicts employed on public works, those in road parties not in chains, the

FRESH FIELDS

same in chains, convicts ordered to the penal settlements and those in the penal settlements in chains. It was the last two categories that met with such vile and brutal treatment at the hands of those set in authority over them. The ticket-of-leave man had a comparatively pleasant life and commanded better wages, owing to his experience of the colony, than the free emigrant. About two-thirds of the convicts became assigned servants. The assignees were distributed to their respective destinations by a Board convened for that purpose. If one of these misbehaved he was liable to be taken before a magistrate and sentenced to be flogged. His contentment depended upon the caprice of the master to whom he was assigned, but whatever his circumstances he was much in the position of a slave. There were two small hulks kept for punishment.

By the year 1838 there were about 3,000 transportees in Van Dieman's Land. Unfortunately the number of males far exceeded the females, a condition of affairs which not only made temptation far greater for the women but was responsible according to various witnesses for a prevalence of unnatural vice. It was said that the females were "too often returned on the hands of the Government in the family way."

In 1843 a report reached England of the condition of female prisoners in Van Dieman's Land, the only colony to which at that time they were sent. The assignment of men had all but ceased, but female convicts were still disposed of in the manner to which the term "domestic slavery" was so appropriately applied. When a convict ship arrived from England, as many or more persons than there were prisoners on board were immediate petitioners for their services. These applicants were not bound to show any qualifications of their fitness to be the employers of convicts. Publicans or ticket-of-leave

ILL-TREATMENT OF CONVICTS

holders were not permitted to take them into their employ, but with these exceptions they might, immediately on landing from the ship, be located in the families of the colonists. Those selected as the most suitable were assigned to the best masters and mistresses, whilst the refuse fell to the lot of the lower ranks of society. As a great proportion of the tradesmen were at that period emancipated convicts the chances the prisoner servant stood of any reformation in character or behaviour were remote.

For some reason the system of punishment in Van Dieman's Land was infinitely more rigorous than in New South Wales. As late as the year 1835 a quarter of the male convicts and one-fifth of the women were undergoing punishment for new crimes committed in the settlement. The number of executions appears to have been excessive. Prisoners, it was said, grown desperate from the severity of their punishment, determined at whatever cost to release themselves from this thraldom. After escaping they would purloin what provisions they chanced upon and then took to the wilderness, where more often than not they died of exhaustion and starvation.

The worst of the atrocities are associated with the ill-famed Macquarie Harbour, situated on the west coast of the island, the setting of the most lurid passages in Marcus Clarke's novel. It consists of a large bay with several small islands, two of which were used as penal settlements. During the early days of colonization the convicts were sent to this place of ill repute for drunkenness, disobedience, neglecting duties, petty thefts, and other transgressions. The food was bad. There was no classification. Refractory convicts were marooned on a small rock in the harbour and left there all night, often wet through.

FRESH FIELDS

In the convict barracks they slept in wet clothes or stark naked, nine-tenths of them in heavy irons. Their work was felling timber on the mainland. Men under punishment were deprived of meat rations and were ironed in the "chain gangs." The most dreaded labour was that which necessitated the men operating in the water, building small piers on the island. Flogging with the cat-o'-nine-tails was almost a daily punishment. During five years 167 out of 245 prisoners annually were flogged, the total number of lashes inflicted being 33,723, an annual average of 6,744. The type of cat used was much larger and heavier than the normal pattern. It had the customary number of "tails," but each was a double twist of cord, and each tail contained nine knots. Flogging produced nothing but the worst moral and physical effect upon the victims. It was said that convicts would threaten to commit a crime which would lead to their execution rather than continue a life of such degradation. In five years 116 absconded from Macquarie Harbour, seventy-five of whom were believed to have perished in the woods, two were shot at sight, twenty-four escaped, thirteen hanged for bushranging, two for murder, but the most horrible fate was experienced by five of a party of seven on their wanderings through the trackless deserts of the interior of the island.

On 20th September, 1822, a convict, Alexander Pierce by name, was, according to his own subsequent statement, working in a gang with six companions, John Mather, Alexander Dalton, Edward Brown, William Kennelly, Thomas Bodenham and Matthew Travers. They together planned to procure a boat and by this means to reach Hobart Town. One Robert Greenhill was called for at the mines as he was known to be a good navigator. The latter broke open some of the miners' chests in a hut containing provisions. The absconders

thought they had evaded detection, but they had reckoned without the miners who, resenting the robbery, lit fires all along the beach to give the alarm. Fearing pursuit by water they landed and destroyed the boat. They concealed themselves from observation until the sun was low and then spent the night on the hills. Travelling during the two subsequent days in difficult country they became weak from want of food, having run out of provisions for two days. On this laborious march they disputed amongst themselves about the merest trivialities, as men do in such dire straits. Kennelly said he was so hungry that he could eat a piece of a man. This was an unfortunate remark, and seems to have given Greenhill furiously to think, as on the following morning he reopened the subject and observed that he had "seen the like done before and that it ate much like pork." From hints he passed to definite suggestions. One of his companions objected that it would be murder to do such a thing, to which Greenhill replied, finding a certain diffidence among the rest, "I will do it first myself and eat first of it, but you must all lend a hand so that you may all be equal in the crime." Greenhill then proposed that Dalton should be the first victim, as he had volunteered at the convict station to act as a flogger. Accordingly, in the early hours of the morning, when Dalton was asleep, Greenhill struck him on the head with an axe, "and he never spoke a word after." One of the gang thereupon cut Dalton's throat with a knife and bled him as if he had been cattle. The body was dragged to a distance, the head cut off and the trunk eviscerated. Greenhill fried the heart and ate it, but none of the others would join him that night in this ghoulish feast. The following day two of the company were missing. Edward Brown and William Kennelly, apprehensive of a similar fate, effected their escape from

FRESH FIELDS

the party. They succeeded in returning to the settlement in a state of complete exhaustion, but both died in hospital a few days later.

Four days more through difficult country brought the party to a large river, which they crossed with much delay and hindrance. The next few days were spent in traversing a bleak and barren wilderness. At length Greenhill and two of his companions consulted together as to who should be the next victim. Having sent two of his companions to gather wood Greenhill attacked and killed Bodenham. The heart and liver were eaten that night. The choice for those that remained was between cannibalism or death by starvation. Treated like animals when in captivity they now found no alternative to starvation but behaviour as such. Mather had been eating some of the flesh of his companion, Bodenham, when Greenhill suddenly struck him in the forehead with an axe. Mather, being of abnormal strength, recovered from the blow and secured the axe from Greenhill. Later in the day Greenhill, with the assistance of Travers seized Mather and gave him half an hour to pray and prepare for death. Mather, probably by this time not much caring whether he lived or died, gave his prayer book to Pierce, lay down as if for execution, while Greenhill took up the axe and killed him. The rest shared the body, and after two days' rest the party resumed its march, all except Travers who, getting a thorn in his foot, was compelled to lag behind. Returning to look for him they found him asleep. Whereupon Greenhill killed him with his axe. Greenhill and Pierce were now the only survivors of this ghastly journey. Both naturally became suspicious one of the other. Greenhill never would part from his axe, keeping it strapped to his body, but one morning Pierce found it under him as he lay asleep and, upon the principle of self-

PIERCE'S CONFESSION

preservation, seized the opportunity to dispatch his one surviving companion. He took part of the thigh and arm from the corpse and travelled on for one or two days. At length he came to country where he was able to obtain food of a different kind. He fortunately came upon a flock of sheep, caught a lamb and ate it raw. The shepherd, on observing his plight, had mercy upon him, took him to his hut and gave him food and shelter. Pierce spent the next few weeks travelling from one shepherd's hut to another, living by depredation, but ultimately he was recognized and informed about by a woman convict. The shepherd with whom he was sojourning, enlightened as to his visitor, showed him the door. Once again he became a fugitive upon the face of the earth, living by his depredations until he was ultimately seized by soldiers who suspected his identity. When he was taken by the military there was no proof against him except his own statement, which was not relied upon. His confession was made while he was ill in hospital and expecting to die. On his recovery he was returned again to the penal settlement of Macquarie Harbour.

Pierce absconded a second time on 16th November, 1823, with a fellow prisoner named Cox, who could hardly have been aware of his previous exploits. A few days later he gave himself up, in all probability demented as the result of his cruel treatment in the convict station and his subsequent experiences. He was seen making smoke signals from the beach near Macquarie Harbour by a passing vessel, which reported the circumstance. A boat was sent to the spot manned with troops, who found him wearing the clothes of his murdered companion. The wretched fugitive confessed to having murdered his fellow-prisoner, Thomas Cox, two days before, and that he had "lived upon his body ever since." About half a pound of human flesh was found

upon him. Pierce told an officer the details of the murder and indicated where the remains were to be found. A boat was sent to King's River next morning, and the body was discovered, dreadfully mangled, with all the fleshy muscles torn off, also the thick part of the arms missing, which the depraved man declared was "delicious food." He had roasted and devoured part of the heart and liver, although "he was in no want of food at this time, as he had been only three days from the settlement and had some flour in his possession when he absconded, and when he was taken he had some pork with him, some bread and a few fish," which he had not tasted, explaining that "human flesh was by far preferable." He had apparently quarrelled with Cox about their route, and as Cox was the stronger Pierce took up his axe, with which he killed his companion. The reason he adduced for giving himself up was that he had despaired of ultimately effecting his escape, and that he was so horror-struck at his own inhuman conduct that he was beside himself when he made the smoke signal. Whether or not his confession was in the nature of a desperate attempt on his part to obtain an *ad misericordiam* reprieve, he was taken to Hobart Town, where he was tried and executed.

It is perhaps not possible to vouch for every detail of this ghastly story narrated by men beside themselves with misery and privation, in desperate flight from the most degrading treatment of the convict settlements, but there is little doubt that in the main it is true. The feelings of the reader have not been spared these nauseating details, for the sufficient reason that no account of the treatment of criminals during the eighteenth and nineteenth centuries could be complete without them. This episode, more than any other evidence, gives the measure of the evils of transportation. An analysis of the circumstances induces

DEFECTS OF TRANSPORTATION

certain definite conclusions. The first that we arrive at must be that if no less than seven men could have been guilty simultaneously of such atrocities we must look further for some more convincing reason than their own innate depravity. We must on these facts institute an inquiry as to whether transportation should ever have been employed as a method of obviating crime and punishing the criminal. The reason that the home authorities decided upon it as an expedient for dealing with convicted men and women was primarily that the gaols in England were overcrowded. But the very reason that the gaols were overcrowded was that the system of dealing with crime was so senseless, so calculated to defeat its own ends, that the consequent increase could no longer be coped with from within the four corners of the British Isles. Had modern methods been employed at home there would have been no need to have recourse to transportation.

But let us examine transportation on its own merits. It has already been shown in this chapter that the transportees were of all degrees of criminality, and that those who had committed only minor offences stood every chance both in the hulks and upon the voyage of assimilating themselves to the most depraved. Transportation could only have effected reform under certain favourable conditions. The first was that those in charge should have been humane and intelligent persons who took a real and lively interest in the reform of the convict settlers. The second condition was that the circumstances under which they started their new life, so many thousand leagues distant from home, should have been such as to induce them to retrieve their lost reputations. But these conditions were completely absent. The lives that these poor exiles led, both in the settlement at Macquarie Harbour and at Port Arthur, far removed

F R E S H F I E L D S

from any kindly influence, were such to turn men into animals, to drive them demented into committing crimes which make us shudder to contemplate.

The circumstances in which they found themselves were so demoralizing that cases of murder or assault occurred not infrequently as the result of convicts hoping to be removed thereby from Macquarie Harbour to the mainland. Their confederates would confess to be witnesses with the same end in view. The Governor in 1822 had three men executed there for murdering other convicts. According to the evidence of the Surgeon who witnessed the proceedings,

their execution produced a feeling of the most disgusting description. The convicts were on that occasion all assembled around the gallows for the purpose of witnessing the execution, and so buoyant were the feelings of the men who were about to be executed, and so little did they seem to care about it, that they absolutely kicked their shoes off among the crowd as they were about to be executed in order, as a term expressed by them was, that they might die game. It seemed, as the Sheriff described it, more like a party of friends who were going on a distant journey.

Boys sent to Macquarie Harbour became, if it was possible, even more depraved as a result of associating with the older felons. They were taught to take part in thefts from other convicts and to commit sexual offences. It was found that Sunday, far from being a sacred day for the convicts, was more productive of crime and disturbance than any other day of the week.

In 1830 the convict settlement of Port Arthur on the Tasman Island had been founded. Men who were sent there were the twice convicted, some from Macquarie Harbour and also the worst characters transported from England—desperate housebreakers, murderers. There was also included a number of boys who had been con-

victed for minor offences such as pick-pocketing in the streets of London. The worst criminals were passed on to Port Arthur from Hobart Town as soon as they arrived, where, as elsewhere, very little classification had been effected. Although the men were not quite so desperate as at Macquarie Harbour, and the punishments were not quite so severe, the whole system was unsatisfactory in the last degree. One of the usual punishments was that of working men in irons under direct surveillance, with solitary confinement during all intervals from labour, meals and rest-time. The system, far from producing any good effect, hardened them, made them dead to all sense of shame and careless of trifling punishment. Their main work was timber-felling and leather-working. The older and more experienced convicts exercised a complete tyranny over new-comers, and quickly rendered them as bad as themselves. They were not allowed tobacco and spirits, and they never came in contact with women. It is true that the boys were taught to read and write and were instructed in work which would be useful to them in after life—but they learned other lessons less desirable, and it was said by the Surgeon in his evidence that Port Arthur was a school for eliciting and perfecting immoral propensities and depraved habits. There were no free settlers at Port Arthur. It was exclusively a penal establishment. Even the soldiers were discouraged from associating with the convicts.

The 1837 Committee provided the historian with a fresh budget of information on first-hand evidence which does nothing to correct the impression of the failure of transportation to effect what was originally intended. It is a melancholy and monotonous story of the evil consequences of a system, however valuable in itself, which is ill directed from above and badly administered below.

One witness declared that juvenile prostitution was

FRESH FIELDS

very common, especially with children of tender age, who more often than not were corrupted by their parents. Unnatural crime was very general, especially in the up-country farms amongst the stockmen and in the penal settlements, owing largely to the disproportion of the sexes. Prostitution was generally common among convict women. Concubinage was allowed among convicts. Magistrates refused to interfere in cases where convicts lived in concubinage, but merely in cases where they were living in adultery.

Punishments were of a most degrading character, especially the scourging, and relegation to the chain gangs locked up in prisons resembling dog-kennels.

On looking into these boxes [observed one witness] I found that there was a ledge on each side, and that the men were piled upon the ledges and others were below upon the floor, and I believe from the bringing together of such numbers of men, heated as they are and excited, the consequences are of a very immoral character.

Once again it was asserted that the conduct of the women was even worse than the men. Older ones would debauch the others and teach them every form of vice. When assigned, they were addicted to drinking, debauchery and pilfering. They were noisy and quarrelsome in the factory at Parramatta, and sometimes vicious. There had been free female emigrants as domestics, but their bad conduct had caused abandonment of the scheme as they increased the amount of vice to a very great extent. Children in families where they were assigned as servants lost their reverence for authority, acquired bad language and often became dissolute at an early age. Drunkenness was very prevalent.

Some attempt was made in 1837 to send out boys in a separate ship with a full complement of educational

instructors and monitors with a view to starting a juvenile establishment at Port Puer, well conducted on humane and sensible lines, and where they might be taught trades. If such an experiment had been started on a large scale many years before, the history of transportation might have been very different. As it was, it was observed that the boys under sentence of transportation for life had generally conducted themselves in a very reckless manner, under the impression that their situation could not be worse. It was suggested that some prospect might be held out for them beyond that of adults under similar sentence in order to correct this impression.

A magistrate, James Mudie, who had lived in New South Wales, gave the Committee a curious picture of the colony as it existed in 1837. He had left as he did not consider it safe to remain. He had employed a large number of convicts, including shepherds, cattlemen, ploughmen, who spent their spare time in plaiting straw hats for sale and in gambling whenever they could lay their hands on playing-cards. After dark the greater proportion of them would slip out to indulge their taste for pilfering in the neighbourhood. This happened on most estates. The witness declared that he himself lost annually some two or three hundred pounds from plunder by the convicts. Part of the contents of sacks of wheat would be taken on the way to Sydney and the proceeds exchanged for drink. In this manner he would sometimes experience a loss of twenty out of 120 bushels at a time. Small squatters, usually free men or ticket-of-leave men, took up their quarters near large estates and opened business as receivers of stolen goods. The police were corrupt ex-convicts for the most part, so that these thefts were not often brought home to the thief.

There was a Government order, generally evaded, against unmarried men having female servants assigned

FRESH FIELDS

to them. One witness, being a married man, had some female convict servants in his employ.

You can have no conception [he observed before the Committee] of their depravity of character. If you apply, for instance, for a dairywoman or housemaid, perhaps you will have a lady sent to you that has been walking the lobby of the theatres. This is your dairymaid.

One woman who was assigned to him refused to work and after a day or two absconded with nine of his men. Practically all the available women were of loose morals.

As to marriage among the convicts, if one of them was well behaved and his master wished to retain his services he was given permission to get a wife from the factory. The master had to undertake to feed and support the woman in addition to providing for any children there might be, to obviate them becoming a burden on the Government. When the convict wished to marry he obtained an order upon the matron of the factory, where a number of women were paraded before him like cattle in the show-ring or slaves in an Eastern market-place. Subject to her consent he could appropriate the woman of his choice. Those convicts who had already married in England would sometimes send a letter to friends at home to be re-posted there alleging that their wives had died. This spurious evidence was produced in Australia and the men were free to re-marry with impunity.

It remains to say something of the assignment of certain convicts as domestic servants in families. Whatever benefit this system may have conferred on master or a man was considerably outweighed by the disadvantages of the system. Owing, however, to the great expense and the scarcity of free labour the settlers had little choice in the matter. It was especially difficult to get free female servants of respectable character. The Assistant

THE CONVICT SERVANTS

Surgeon at Port Arthur, giving evidence before the Committee on the subject observed :

I think they did a great deal of mischief, particularly to the rising generation, in corrupting them, both boys and girls. It is natural for them to associate with the convict servants about the house, and I think they have been frequently very much corrupted by them, and, with the free settlers, the effect has been such as to make the lower order of free men just as bad as the convicts. The number of women who became reformed was much smaller than that of the men . . . being generally most mischievous in attempting to contaminate the daughters of the settlers.

In one case three girls of thirteen or fourteen were left in charge of a female convict maid. She made them accomplices and even witnesses of her intrigues, and all three afterwards became mothers as the result of affairs of their own. Some settlers preferred male convicts for domestic work to females "because of the evil conduct and habits of the women." A very large proportion of the women sent out from England to Tasmania appear to have been prostitutes of the most abandoned type.

The assignment system blunted the master's feelings, so that he came to look upon his servants merely as slaves. The servants on their part looked upon him as their task-master and nothing else. There were, of course, good masters and considerate employers, and as is the usual experience of such, they were well served and their households were the only ones in which reformation ever occurred. Free men and convicts associated together to the detriment of both parties. There were places in the colony called "sly grog shops," where spirits were illicitly sold, and these disreputable taverns were the common resort of the depraved, free and bond.

It was perhaps evil reputation which, thanks to the mismanagement of the penal settlements by those respon-

sible, deterred many decent people from emigrating overseas. The result was, that except in private houses in towns, there were no households staffed entirely with free labour. The disproportion between the sexes among the convicts, roughly three men to one woman, made the problem worse, as it was responsible for a great prevalence of unnatural offences in the colony.

Such being the conditions it is not a matter for surprise that in 1836 an address was sent to the King from the free settlers of Hobart Town, asserting

that the evil character of the penal settlement has lately increased and is increasing to a frightful extent, thereby violating the feelings of the adult and barbarizing the habits and demoralizing the principles of the rising generation; [praying] that His Majesty will be pleased to remove from the colony of Van Dieman's Land the degradation and other unspeakable evils to which it is subjected, in consequence of its present penal character.

But His Majesty's advisers were much too far removed from the unspeakable evils from which the free settlers suffered. There were evils just as bad in London itself to which His Majesty's advisers were equally blind. It was not until 1853 that the home government put an end to the vile abuses of the Tasmanian convict settlement.

The verdict of the Commission in 1838 was that the system of transportation was unequal and that it was corrupting to convict and colonist, besides being a great burden on national resources. Punishment in penitentiaries was recommended as a substitute.

Under the Penal Servitude Act of 1853 sentence of transportation could not be passed upon any man who had been sentenced for less than fourteen years. For the rest a sentence of penal servitude was enforced. Transportation to New South Wales had ceased in 1840.

During the Home Secretaryship of Sir George Grey a

THE END OF TRANSPORTATION

scheme was suggested by which released convicts who were supposed to be regenerated were to be transported. But no colony would accept those convicts discharged on licence, known as ticket-of-leave men. Only Western Australia accepted the scheme, but even so it was found that the requisite number could not be absorbed.

By the year 1867 transportation ceased altogether. It was anticipated that one of the results would be an increase of the criminal population at home, but by this time the new methods were in a fair way to justifying themselves and exactly the reverse process was witnessed, proving conclusively, if indeed by this time any proof were needed, that all the efforts hitherto made to decrease crime in England had been founded upon a total misconception.

CHAPTER VII

THE GOOD HUSBANDMEN

IT is a favourite diversion of biographers to indicate occasions which, trivial in themselves, conceivably determined the course of history and the fate of mankind. So often has it happened that some incident in the life of an individual, which by itself appeared at the time it occurred to be of no very outstanding significance, provided the opportunity for great and enduring achievement.

The influences which in all likelihood were most conducive to determine the beneficent activities of John Howard, one of the most celebrated of all English reformers, who but for these incentives might have confined his philanthropic activities within the limits of a parish, were various in character. After the death of his first wife, who, it is said, he married in recognition of the services she rendered to him as his landlady, he set off upon the first of a series of protracted journeys upon the Continent. Taking ship for Portugal, the packet he selected to travel by, owing to untoward circumstances, was captured by a French privateer. The crew and the passengers were taken prisoners bodily to France, where they were incarcerated in a particularly noisome dungeon. There can be no doubt whatever that a fellow-feeling with all prisoners that such an experience must have engendered in so sympathetic a nature as his, made an indelible impression upon John Howard's mind. Returning to England on parole he was fortunately able to

JOHN HOWARD

effect an exchange for himself and to resume those tranquil domestic duties which for the present claimed his exclusive attention.

Having been left an adequate competence by his father, he settled down upon his small estate at Cardington in Bedfordshire. After a few years of widowhood he married one Henrietta Leeds, a lady of good looks and considerable charm, but once again Fate remorselessly intervened. She died in giving birth to a son, whose misdeeds and misfortunes together were to provide a further incentive for John Howard to employ his energies unremittingly upon the work which was to make his name famous for all time. This second conjugal bereavement was to prove irreparable. From the moment that the grave closed over the remains of his beloved wife all chance of being able to pursue the even tenor of his way or to find solace in comparative obscurity upon that small estate, where he had planned model cottages, elementary education and village industries for his tenants, was at an end. A restlessness of mind and body seized upon him, from which distemper he was to experience no relief until he found a last resting-place in a distant foreign field. But all his biographers are agreed that the immediate occasion for addressing himself to the reform of the prisons was a discovery he made soon after his appointment as High Sheriff of Bedfordshire. In this particular capacity it came to his notice that some of those declared not guilty were detained for months in gaol until the payment of the customary fees. His suggested cure for this glaring abuse was that salaries should be paid in lieu of these extortions, but the Bench, made oblivious no doubt by long usage to such malpractice, was reluctant to adopt the proposal unless a precedent could be found for charging such expenses as might be incurred thereby

THE GOOD HUSBAND MEN

upon the county. Nothing daunted, John Howard went forth on his own account to provide one, if it was anywhere to be revealed. Incidentally, on this first philanthropic venture he made two further discoveries which started new lines of thought in that restless brain of his. On inquiry he learned that the most miserable prisoners came from the so-called "bridewells," and that gaol fever had become so grave a menace as to require the immediate attention of those responsible for the proper conduct of the prisons.

The term "bridewell" is used by Howard as a synonym for a particular type of reformatory, which in the eighteenth century seems to have been as defective in every respect as Newgate itself. The original Bridewell, the name probably being derived from St. Bridget's Well, was a royal castle situated by the Fleet ditch, dating from Norman times. Henry VIII restored it and took up his residence there during his divorce proceedings at Blackfriars. Edward VI made it over to the Lord Mayor and Corporation as a penitentiary for vagabonds and loose women and as a depository for the incorrigibly lazy. With these objects in view it was intended to set up plant to provide work for the inmates, but for various reasons the scheme miscarried. At first these penal institutions answered the purpose for which they were intended, but they soon degenerated into "no other than schools of vice, seminaries of idleness and common sewers of nastiness and disease." In some there was insufficient provision for work. Though nominally distinct they were for all practical purposes ordinary gaols even where the same building did not serve as both gaol and bridewell. The normal population consisted of labourers and apprentices guilty of insubordination to their masters, boys and girls who had committed petty theft, in addition to drunkards who had repented when

H O W A R D ' S D O M E S T I C T R A G E D Y

sober of the acts they had done when drunk, and some offenders under the Bastardy Acts, a curious selection to classify with boys and girls. In spite of good intentions, it was a system which strictly limited any scope for reforming the criminal. Of these Bridewells Fielding has some rough comments to make. He speaks of

the wretches brought before me, the most impudent and flagitious of whom have always been before acquainted with the discipline of Bridewell . . . a very severe punishment this, of being confirmed in habits of idleness, and in every other vicious habit may be esteemed so.

The voyage of discovery upon which John Howard had now embarked was to be the first of a long series of investigations into the various prison systems personally undertaken by him, not only in England, but throughout the length and breadth of the Continent, even as far as Russia and Turkey. Any temptation to relax for one moment this lifelong devotion to a cause and to confine his efforts to narrower preoccupations was completely frustrated by the severing of the one link which might have bound him to his home. The behaviour and ultimate destiny of the only son, upon whose education he had lavished so much misdirected effort, and upon whose future he had set so much store, was the final stroke of fate that shaped John Howard's ends. "I could not," he said on one occasion, "enjoy any ease and leisure in the neglect of an opportunity offered me by Providence of attempting the relief of the miserable."

It is a lamentable circumstance that one whose career was so teeming with adventure and incident and whose character was worthy of a more judicious analysis, should have been commemorated by two of surely the stupidest biographies in the English language. It is difficult to appreciate why, after James Baldwin Brown had given

THE GOOD HUSBAND MEN

the world his pages of vapid and unalloyed panegyric, the Rev. T. Field should have thought fit to publish another biography so exactly similar both in material, in expression of view, and in failure to do proper justice to the theme. Biographers for the most part are either idolators or iconoclasts. As a rule there is no compelling necessity for them to indulge either in idolatry or iconoclasm, as few of the men worthy of the biographer's attention are wholly good or wholly bad. But these works above mentioned, together with Dr. Aiken's memoirs, are the most authoritative biographies on the subject in hand, and from their perusal it is difficult to arrive at a just estimate of John Howard's character.

Although there was nothing in him of the bigot, he was certainly of an austere disposition. In private life he combined with a tendency to intolerance a quiet modesty. On one occasion when a lady expressed surprise that he should interest himself so much on behalf of what she described as characters so depraved and vicious, he meekly replied, "I do so because I consider that, had it not been for Divine grace, my conduct might have been as profligate and vile as theirs."

It was in the same spirit of humility that in later years he wrote the following passage :

Those gentlemen who, when they are told of the misery which our prisoners suffer, content themselves with saying "Let them take care to keep out," prefaced perhaps with an angry prayer, seem not duly sensible of the favour of Providence which distinguishes them from the sufferers . . . they also forget the vicissitudes of human affairs, the unexpected changes to which all men are liable, and that those whose circumstances are affluent may in time be reduced to indigence and become debtors and prisoners. As to criminality, it is possible, that a man who has often shuddered at hearing the account of a murder, may on a sudden temptation commit that

H O W A R D A N D H I S S O N

very crime. Let him that thinks he standeth take heed lest he fall and commiserate those that are fallen.

In the great work of his life he proved himself to be broadminded, tolerant and of wide vision, but like so many other reformers he was less successful in his own domestic circle than in that of his neighbours. While discarding as pure fiction the ill-treatment of his son, which Lamb and other writers have laid to his charge, we can be in little doubt that he was a trying parent. His son from all accounts was very unlike his father in appearance or disposition. He was extremely handsome and fond of the good things of this life, but John Howard was of the type of parent who endeavours to run counter to Nature herself rather than adjust his precepts to the inclinations of his offspring. He laid down the most rigid rules of deportment and discipline which might have proved disastrous in any less high-spirited and worldly minded than his son. The result was only what could have been expected. At home the boy's one associate besides his father was a youth who, for some reason not recorded, had been absorbed into the household and appears to have occupied the status of the old-time apprentice. Thomasson was a very good-looking and likely young man. There existed between himself and his master a sincere affection which remained proof against all circumstances and vicissitudes of fortune. He not only acted as body-servant to his employer but also as companion to the son. It is not surprising that the two lads whose tastes and dispositions were so similar were drawn together into a close association and that they devised, in spite of the rigid discipline imposed upon them, opportunities for giving their natural inclinations an outlet. This intercourse led to their indulgence in dissipations, probably no more and no less than what

THE GOOD HUSBAND MEN

most attractive and high-spirited youths are addicted to. It was certainly no justification for James Baldwin Brown to stigmatize Thomasson as Judas Iscariot, or to attribute young Howard's subsequent madness to a few youthful peccadilloes. In any case it must be assumed that John Howard himself did not share this view, as he left Thomasson an annuity when he died. Whatever the physical causes may have been, young Howard's reason forsook him. The distress which this last domestic affliction caused his father prevented him from ever looking to the domestic circle again for solace or occupation. He henceforth devoted his life exclusively to that work of high endeavour to which Edmund Burke referred in such glowing terms in a speech delivered before the electors of Bristol. Oft-quoted as it has been it well bears repetition :

I cannot name this gentleman without remarking that his labours and writings have done much to open the eyes and hearts of mankind. He has visited all Europe—not to survey the sumptuousness of palaces or the stateliness of temples, not to make accurate measurements of the remains of ancient grandeur, nor to form a scale of the curiosity of modern art, not to collect medals or collate manuscripts—but to dive into the depths of dungeons, to plunge into the infection of hospitals, to survey the mansions of sorrow and pain, to take the gauge and dimensions of misery, depression and contempt, to remember the forgotten, to attend to the neglected, to visit the forsaken, and to compare and collate the distresses of all men in all countries. His plan is original and it is as full of genius as it is of humanity. It was a voyage of discovery, a circumnavigation of charity. Already the benefit of his labour is felt more or less in every country ; I hope he will anticipate his final reward by seeing all its effects fully realized in his own. He will receive not by detail but in gross the reward of those who visit the prisoner ; and he has so fore stalled and monopolized this branch of charity that there will

HIS SURVEY OF PRISONS

be, I trust, little room to merit by such acts of benevolence hereafter.

The misgivings expressed in the last sentence Edmund Burke might have spared himself. More scope than enough was there to be provided for many years to come, after this immortal panegyric had been uttered, for the benevolent efforts of Howard's successors upon work so consistently neglected by the Parliament of which Edmund Burke was a member.

After his first tour of inspection John Howard quietly and deliberately set to work upon a survey of the existing evils which was to suggest recommendations that are at the basis of our existing treatment of crime and the criminal to-day.

From now onwards until his death he occupied most of his time in universal travels of investigation, both in England and in Europe, journeying altogether 60,000 miles, a truly remarkable achievement when the inconvenience, tardiness, discomfort and even danger of such a performance is taken into consideration, and expending incidentally no less than £30,000, equivalent to at least double that amount to-day, on these beneficent activities. The result of his journeys is recorded in voluminous reports which, although they have little merit in style or composition, were instrumental in effecting reforms the importance of which it is impossible to exaggerate.

His visits of inspection were conducted upon the principle that surprise was the essence of their success. For this purpose he would often pay a second visit if upon his first he was suspicious that something had escaped his notice either by accident or by design.

In his earlier tours he found the experience revolting to his senses. He records :

Air which has been breathed is made poisonous to a more

THE GOOD HUSBAND MEN

intense degree by the effluvia from the sick and whatever else in prisons is offensive. My readers will judge of its malignity when I assure them that my clothes were in my first journeys rendered so offensive that in a post-chaise I could not bear the windows drawn up, and was therefore obliged to travel commonly on horseback. The leaves of my memorandum book were often so tainted that I could not use it till after spreading it an hour or two before the fire, and even my antidote, a vial of vinegar, has after using it in a few prisons become intolerably disgusting. I did not wonder that in those journeys many gaolers made excuses and did not go with me into the felons' ward.

By degrees custom frayed his susceptibilities and he ceased to care. Later he writes :

I have frequently been asked by friends what precautions I use to preserve myself from infection in the prisons and hospitals which I visit. Next to the free goodness and mercy of the Author of my being, temperance and cleanliness are my preservatives. Trusting in Divine Providence and believing myself in the way of my duty . . . I fear no evil. I never enter into a hospital or prison before breakfast, and in an offensive room I seldom draw my breath deeply.

A curious passage which suggests that John Howard relied upon the principle that "God helps those who help themselves."

To follow John Howard upon all his tours of investigation in Great Britain, Ireland, and on the Continent would not be convenient to the reader. An epitome of his discoveries upon his provincial tours is all that the limits of the present work permits.

He found the "bridewells" particularly defective. At some there was no official allowance of food at all, and in others the keeper often "farmed out" what exiguous fare was provided. Howard on many occasions saw the prisoners eating bread boiled in water—their

THE BRIDEWELLS

staple diet. Although the inmates were condemned to hard labour there were neither accessories nor machinery of any kind to give effect to the sentence. They were not allowed to be issued with tools for fear they should employ them for less desirable ends than merely keeping their hands in for their respective trades. The result was inevitable. Sloth, profanity and debauchery were the common characteristic of these so-called reformatories. There was no provision made for the sick, and it is therefore legitimate to infer that illness came to be regarded by authority as an effective instrument for decreasing the surplus population. Starvation both in the bridewells and the county gaols was so rife that those who did not sicken and perish in confinement were so weak on their release that they were incapable of performing labour and of rendering services which might have enabled them to reinstate themselves as useful members of society. Water was always deficient; it often happened that not more than three pints a day was allowed for all purposes. Many of the bridewells were overcrowded because the accommodation designed for ordinary prisoners was occupied by the insane. No special care whatever was taken of these poor mental defectives, who disturbed and often terrified their fellow-prisoners. So much for the bridewells.

The following strictures apply to most of the county gaols which John Howard visited. There were seldom bedsteads of even a primitive variety supplied. In some cells he observed an inch or two of water, and the straw or rude bedding laid upon the floor in this condition.

There was no allowance of bedding or even litter. If prisoners obtained such modest luxuries in the first instance they were never renewed. The majority lay upon filthy rugs on the bare floor. Where prisoners were not incarcerated in underground cells they were

THE GOOD HUSBAND MEN

confined to their rooms because either there was no courtyard whatsoever or the walls were so low as to be insufficient to restrain the prisoners from attempts to escape, or the gaoler desired extra accommodation for his own personal use. Some gaols had no sewers. Others, Howard remarked, would be better off without the sewers which existed.

The confinement of all sorts of prisoners together was the common practice—debtors, felons, men and women, the young beginner, the old offender and those who should have been sent to houses of correction. Howard found instances where the gaol also served as the bride-well ; in others they were contiguous and shared a common courtyard. There the petty offender found opportunity for further instruction in crime by the most profligate. He saw boys of twelve or fourteen years of age eagerly listening to the stories told by practised and experienced criminals, of their adventures, successes, strategems and escapes.

Owing to the complete absence of any system of prison labour the time of the inhabitants was occupied with gaming, cards, dice, billiards, and other diversions of such a nature.

I am not an enemy to diverting exercise [John Howard protested], yet the riot, brawling and profaneness that are the usual consequences of their play, the circumstances of debtors gaming away the property of their creditors, accomplishing themselves in the frauds of gamblers, who if they be not themselves prisoners are sure to haunt where gaming is practised, these seem to be cogent reasons for prohibiting all kinds of gaming.

In county gaols the abuse of ironing was even more pernicious than in Newgate itself, particularly in view of the circumstance that the locality of the Assizes varied from year to year, so that sometimes prisoners

THE COUNTY GAOLS

were forced to walk ten or fifteen miles in irons to their trial. Gaol deliveries took place at rare intervals, sometimes but once a year. It is said that one reason for this delay was the exorbitant cost of entertaining judges and their retinue in the towns they visited on circuit. At Hull the Assizes were held but once in seven years. Peacock, a murderer, was in prison before his trial for nearly three years, during which the principal witness died—it is not recorded whether of old age or otherwise—and the murderer was acquitted. The fact that the latter at any rate had little ultimately to complain of in view of the extraordinary circumstances does not exculpate those responsible for such a dilatory system of dispensing justice.

Debtors crowded many of the gaols with their wives and children—often ten or twelve in a middle-sized room—thus increasing the danger of moral and physical infection. Prostitutes were admitted under the name of wives.

A few illustrations of particular cases drawn from the great mass of material collected on these tours by John Howard may not be without interest to the student of prison history. In the county gaol of Southwark he found no separation of the sexes, debtors, assize felons, quarter-sessions prisoners, and those awaiting transportation were all herded together indiscriminately. Some of the latter had been sentenced for four years and had not yet been dispatched to their destination. They were all in a wretched condition, with worn-out shoes and stockings and hardly any clothes to cover themselves with.

In Glasgow, as the prison building was insecure, the prisoners were chained by the neck and feet. The tolbooth had no courtyard. There being no whitewash used, the walls were in a filthy condition. The gaoler,

THE GOOD HUSBAND MEN

who lived away from the gaol, was permitted to sell spirituous liquors to his charges. In the house of correction, which seemed calculated to correct nothing but virtue, there were three men and forty-seven women, many of them sick, in three closed rooms. No magistrate or clergy ever visited these infernal regions. Howard complained to the Provost, who replied that the inmates were so hardened it was useless to make the attempt to reclaim them. This counsel of despair drew from Howard an angry retort :

That, allow me to say, is by no means the case, for on talking seriously with them only for a few minutes I saw tears start from their eyes, a convincing proof that they were not wholly insusceptible of good feeling. I am apprehensive that the splendid improvements in your places of entertainment, your streets, squares, bridges and the like occupy all the attention of the gentleman in office to the entire neglect of his essential branch of police.

At Morpeth he found a woman heavily ironed for stealing a handkerchief of trifling value, although it was known she had been recently confined. At Exeter at the period of his visit there were three sick females in the infirmary of the gaol, and with them a shoemaker, the husband of one of them, busily employed upon his trade in these incongruous surroundings. His wife had been committed for a theft and was sentenced to be transported for seven years. She had been condemned to the hulks at Plymouth, but on account of some disablement as the result of a fever caught in gaol she could not be removed. She had given birth to a number of children while in prison, and such was the attachment of her husband that he declared he would never leave her.

At Chester he saw convicts and prisoners for trial severely ironed by the neck, hands, waist and feet, chained to the floor in the day-time and at night to their

EXAMPLES OF ABUSES

beds in that vile dungeon. There was, as usual, no proper separation of the sexes. At Appleby the gaoler had recently expired from hard drinking. At Gloucester the gaol for debtors was disgracefully conducted by a publican, who made a veritable inn of the prison. In the Staffordshire county gaol only one small day-room was allowed for all the prisoners, men and women. In the dungeon for male felons fifty-two victims were chained down to the floor, a space of only 14 inches being allowed for each to occupy. The moisture from their breath dripped from the walls. The stench, the heat and the livid colour of their countenances appalled even John Howard, who might have become accustomed to such nightmares. In another dungeon, scarcely less offensive, were the women, also in irons. Seven of the felons had died within the previous year. The carelessness and inattention of the keeper were not calculated to improve the situation.

In the Warwick gaol Howard discovered in a dungeon of only 22 feet in diameter, down a flight of thirty steps, more than thirty convicts all in irons. There were three others suffering from disease, in a room by themselves, but their irons had not been removed. In two small rooms with only apertures in the doors for air were fourteen women, all of them on the point of suffocation. Previous to the removal of convicts to Plymouth these dens were so overcrowded that their unhappy occupants were compelled to stand erect while others slept, and the steam from their breath issued from the opening like the smoke of a chimney in winter.

At Montgomery gaol the chaplain told him that on execution day, while he was endeavouring to prepare the unhappy criminals for the awful change they were about to undergo, his ears were frequently assailed by oaths and blasphemies uttered by individuals in the taproom, a

THE GOOD HUSBAND MEN

scene of noise and confusion occasioned by the numbers who often came to the gaol that day out of curiosity, many of whom were in a state of intoxication. At Devizes "bridewell" Howard was informed that no fuel was granted, and so scanty was the allowance of bread that a prisoner in one of the solitary cells had recently died. The coroner's verdict on this unfortunate victim of official incompetence was that he had died of hunger and cold. At Rochester he was told by the governor of the gaol that the windows of the prison being on the street it was impossible to keep the prisoners sober. So great was the liberality of the public in supplying them with alcohol that individuals had been known to solicit confinement to have the benefit of the "begging grate."

In the Dublin Newgate his investigations revealed that prisoners would sell their bread at any price to secure whisky, with which they were so plentifully supplied that a "puncheon" of this beverage had been consumed in a week. Prisoners frequently died of intoxication and the fighting to which it led. Indeed one lay dead of this cause at the time of Howard's visit. In the debtors' prison of the same city whisky was sold by the debtors, and as a means of procuring it one of the rooms was converted into a pawnbroker's shop. The Marshal assured his visitor that when his prison was full a hogshead of whisky had been disposed of in a clandestine manner in a week, besides what was sold at his own tap. The night before Howard's visit so serious a drunken riot had broken out within the walls of the gaol that the Sheriff and city guard had turned out. The "garnish" here was two bottles of whisky supplied by the wives of debtors, who brought spirits with them and converted most of the lower rooms into a gin-shop. The physician told Howard that he had just lost three men out of four incapacitated in a drunken carousal, where they drank

P R I V A T E L Y O W N E D G A O L S

twelve shillings' worth of brandy (in those days a considerable quantity) in punch, besides porter and other liquors. Limerick gaol was so crowded that between sixty and seventy individuals were thrust into a room a little more than 20 feet square.

Some of the privately owned gaols in England were the worst, and of these Ely, the property of the bishopric, which Howard quotes in particular, was quite out of repair and positively unsafe. Felons and debtors were herded together. There was no clean water to drink, no straw to lie upon, and no infirmary for restoring to health the victims of this neglect. The method of securing the prisoners was by chaining them down on their backs upon the floor, across which were several iron bars, with a spiked iron collar about their necks.

At Macclesfield the "bridewell" consisted merely of a ruinous room where men and women were confined together night and day. At Nottingham he found a man who had received the King's pardon and yet was detained in custody to pay the gaoler's fees. At Knaresborough, in the debtors' prison, there was one room difficult of access with an earth floor and no fireplace, percolated by an uncovered sewer from the town. Howard was told that a few years before his visit to this dungeon an inmate had taken his dog with him to defend himself from the vermin, but that his face had been disfigured by their attacks. In the "bridewell" of Wymondham a prisoner complained to him of being obliged to lie in one of the pent-up closets used for night-rooms with two boys afflicted with a cutaneous disease.

As to the Metropolitan prisons, enough has perhaps already been recorded of the condition of Newgate in the eighteenth century to convince the reader of their atrocious character, but Howard has much to say on the subject. He found the Savoy, Wood Street, White-

THE GOOD HUSBAND MEN

chapel and Westminster were in a filthy condition, the inmates being nearly naked, the sick utterly neglected and left in some cases to lie in close offensive quarters on the bare boards. The refractory were punished with the greatest severity. In the Horsemonger Lane gaol he found fifty transportees, who had not been delivered in execution of their sentence, in a direful state, scantily clothed, and almost perishing from want of proper nourishment. At the Marshalsea, on making inquiries of a turn-key as to the drinking habits of the inhabitants, his informant replied : “The chief vice among the prisoners is drunkenness. It is that which often brings them here—and while they drink and riot in prison they will disregard confinement.” On the night of his visit many had been gambling, drinking and fighting. In the Fleet prison he noticed that the prisoners played at games in the courtyard, not a reprehensible circumstance in itself, but it was not only prisoners who congregated within the precincts for this purpose. He saw in their company all sorts and conditions of riff-raff from the market. Besides the inconvenience of this practice he adjudged that the frequenting of a prison by the free, lessened in them the wholesome dread of being confined. On Monday nights there was a wine club, on Thursdays a beer club, each lasting usually until the small hours of the morning to the annoyance of the sober and the invalids.

The above are but a few extracts taken at random from Howard’s reports, telling with a monotonous consistency a long tale of utter reproach to those who governed England in the eighteenth century. Reading gaol was one of the few bright exceptions, which only goes to prove that had the majority of those in authority been prompted by humanity and common decency the social history of England at that period would have been far

H O W A R D ' S R E C O M M E N D A T I O N S

different. At Reading gaol Lord Craven and his fellow-magistrates made a point of frequently visiting the prison, with the result that it was maintained in excellent order.

The accumulated knowledge from the experience gained in John Howard's successive peregrinations up and down the country was to bear fruit in a series of recommendations and the draft of a Bill to be introduced into Parliament. In the first instance he drew up a list of remedies. As far as the plan of the prison was concerned he suggested better facilities for securing fresh air and pure water, separate cells with some privacy for the prisoners at night, that women should be kept in a different section of the gaol from the men, and the young from the hardened, debtors from felons, with separate conveniences for each category. As to the better personal comfort of the prisoners, there should be a proper furnishing of the cells, particularly in the infirmary, and that there should be no contracts for these with the gaol officers. The wards and the bedding and clothes should be kept clean. Food should be improved and no gaoler should be interested in the amount given. An experienced surgeon or apothecary should be allotted to each gaol for the health of the prisoners. There was to be no close confinement except for the recalcitrant. As to the conduct of the prisoners, there should be a prohibition of intoxicating liquor in gaol. Workshops should be provided to save them from idleness. There was to be a chapel and a competent chaplain in each prison. Visitors were to be limited.

No prisoner was to be subject to any demand for fees, and the gaoler should have salary in lieu thereof. Debtors should have a free ward and not be subject to demand for rent. Gaolers should be men of good character; no prisoner should be a turn-key.

THE GOOD HUSBAND MEN

For the rest, a list of regulations was to be placed in a conspicuous place. There should be a proper inspectorate. There should be immediate discharge of those acquitted, and no detention on account of fees or so-called debts claimed by gaolers. Employment should be proportioned to the strength and the degree of criminality. There should be a system of rewards, such as shortening term of confinement as recompense for good behaviour, or perhaps a system of grades with work more agreeable as the prisoner advances into a higher class. Money and clothes, and a character if deserved, should be given on discharge. A good infirmary was essential. If a prisoner died there should be a coroner's inquest and funeral, the expenses of which should be allowed for, outside the precincts of the gaol.

In his revolutionary suggestions for the "bridewells" which he urged should be entirely separate establishments more of the nature of a reformatory, he displayed foresight uncharacteristic of his time—in fact, some of his suggestions conform to the most up-to-date views only recently put into practice. "Let the sober and the diligent be distinguished by some preference in their diet or lodging, or by shortening the term of their confinement, and giving them when discharged a good character." The profit of the work done in gaol might, he suggested, be applied to benefit the institution, and those who would employ themselves in extra hours should have the profit to themselves, and also it would be an encouragement to diligence to give them some portion of the profit made during the stated hours. He argued that if complaint was made of the increased cost to the public thus incurred, that cost would be light weighed in the balance with the benefit which would thereby accrue to the public. Money to the amount of thousands, he argued, is not withheld when town halls are wanted;

PENITENTIARY HOUSES

why should it be spared when the morals and lives of thousands are at stake.

Howard realized that it would be objected that the dread of prison might be removed if these receptacles for the wrongdoer were made as comfortable as their own homes.

I have proposed nothing [he said] to give them an air of pleasantness. With respect to the more humane treatment of the prisoners in the articles of food, lodging and the like, I venture to assert that if to it be joined such strict regulations in preventing all dissipation and riotous amusement, confinement in a prison, though it may cease to be destructive to health and morals, will not fail to be sufficiently irksome and disagreeable, especially to the idle and the profligate.

Taking what he had seen in Holland as his model, he suggested Penitentiary Houses which should not only have incarceration as their object but also reformation and amendment. In 1780 Parliament passed an Act to facilitate their erection. Howard was to have been the first supervisor, but as the authorities would not accept his suggestion for a site in Islington he resigned and resumed his Continental journeys. In his appendix he gives his views as to how they should be conducted :

To these houses I should wish that none but old hardened offenders and those who have, as the law now stands, forfeited their lives by robbery, housebreaking and similar crimes, should be committed. I wish that no persons might suffer capitally but for murder, setting houses on fire, and for house-breaking attended with acts of cruelty. Our present laws are certainly too sanguinary and are therefore ill executed, which last circumstance, by encouraging offenders to hope they may escape punishment even after conviction, greatly tends to increase the number of crimes. Yet many are brought to a premature end who might have been made useful to the State. Indeed I the more earnestly embarked in the scheme of erecting

THE GOOD HUSBAND MEN

Penitentiary Houses from seeing cartloads of our fellow-creatures carried to execution when at the same time I was fully persuaded that many of those unhappy wretches by regular discipline in a Penitentiary House would have been rendered useful members of society, and above all, from the pleasing hope that such a plan might be the means of promoting the salvation of some individuals of which every instance is, according to the unerring word of truth, a more important object than the gaining of the whole world.

He then proceeds with a sketch of his Penitentiary House which is to be built by convicts themselves.

After many comprehensive tours of investigation, Howard in 1784 published an appendix to his larger work in which he gives his impression as to how far any reform had been effected as the result of his previous representations. He drew the conclusion therein that as far as the health of prisoners was concerned there had been a great improvement since he first raised the matter.

With satisfaction I have also observed the liberal and humane spirit which engages the public to alleviate the sufferings of prisoners in general, and particularly to release many industrious though unfortunate debtors. But at this point the spirit of improvement unhappily seems to stop, scarcely touching upon the still more important object—the reformation of morals in our prisons. Yet it is obvious that if this be neglected, besides the evil consequences that must result from such a source of wickedness, a suspicion will arise that what has been already done has proceeded chiefly from the selfish motive of avoiding the danger to our own health in attending courts of judicature.

On the completion of his third journey on the Continent where he had travelled a distance of 4,630 miles, visiting the gaols of Holland, Flanders, Germany, Italy, Switzerland and France, he had made another general survey of English, Irish and Scottish gaols, hoping to

HOWARD'S SECOND TOUR

find some amelioration. In this, with the exception of certain minor reforms which had been effected since his first visit, he was destined to be disappointed. In Exeter, women were still herded with the men during the day-time, being obliged to associate with them and to witness if not to share in every iniquity. At Oxford the gaol in the castle was still the same as the prisoners occupied at the time of the Black Assize in 1577. In the "bridewell" at St. Albans he found two soldiers and a girl sentenced to a year's imprisonment locked up all day together. At the Castle of Gloucester eight prisoners had recently died of smallpox, but there was no infirmary. In the same gaol there was a want of proper separation of the sexes, and of the bridewell prisoners from the rest. From the gross inattention of the magistrates to this point the most licentious intercourse prevailed, so that all the efforts of the chaplain to promote reformation amongst its abandoned inmates were defeated by the encouragement of vice, which the less hardened offenders were receiving from the more accomplished. Five or six children had lately been born in this hotbed of iniquity. At Pembroke there were 113 French and American prisoners of war, most of them with bare feet and some with no shirts. There was no systematic victualling. They lay on straw which had not been changed for weeks. In a so-called hospital they were lying upon straw without anything but a mere coverlet.

In Dublin the bad custom of fees continued, so that even boys under the age of twelve years, almost naked, would be kept in prison for two years with the aggravated cruelty of losing their allowance of bread the while. Howard incidentally paid their fees for them, but as they had been associated with the most profligate felons for many months he was not surprised to learn that some of them returned to gaol after a few days. In another

THE GOOD HUSBAND MEN

Dublin prison he found eleven young creatures who for trifling offences were confined with outrageous lunatics of both sexes in spite of laws to the contrary. At Clerkenwell prison those who had turned King's evidence, to secure them from the resentment of their fellow-prisoners, were improperly put into the women's ward. The keeper of the gaol at Carnarvon regularly stopped sixpence from the meagre allowance of each prisoner. In Chester, prisoners were still confined in a dungeon aired by two leaden pipes about an inch in diameter. At the Taunton bridewell men remained in irons. At Thetford twenty-seven persons were being confined for four nights in a suffocating dungeon.

The above is a selection typical of the disappointments which met John Howard at every turn on his final survey, and proved to him that not even the publication of the ghastly condition of English gaols could move authority to pity the plight of his wretched fellow-countrymen.

John Howard is not an attractive writer nor was he a master of English prose. His reports are ill-arrayed, but they teem with material which furnishes information that would never have been made available but for the heroic self-sacrifice of this great reformer. Rarely does he break away from a matter-of-fact detailing of his experiences, but at the conclusion of his appendix occurs a passage which reveals to us the motive force of his enthusiasm.

To my country I commit the result of my past labours. It is my intention again to quit it for the purpose of re-visiting Russia, Turkey, and some other countries, and extending my tour in the East. Trusting, however, in the protection of that kind Providence which has hitherto preserved me I calmly and cheerfully commit myself to the disposal of unerring wisdom. Should it please God to cut off my life in the prosecution of this design let not my conduct be uncandidly imputed to rash-

DEATH OF JOHN HOWARD

ness or enthusiasm but to a serious deliberate conviction that I am pursuing the path of duty and to a sincere desire of being made an instrument of more extensive usefulness to my fellow-creatures than could be expected in the narrow circle of a retired life.

In the year 1790 John Howard, somewhat disillusioned, set out upon his last journey. During a visit to South Russia, he, who had so often risked and escaped the contagion of poor invalid prisoners in gaols all over Europe, fell a victim to what was known as camp fever at Kherson, where he lies buried in a walled field north of the town. Thus passed away one of the noblest of Englishmen who spent his whole energy

In deeds of daring rectitude, in scorn
For miserable aims that end with self,
In thought sublime that pierce the night like stars
And with their vast persistence urge men's search
To vaster issues.

As a prison reformer John Howard was perhaps not absolutely the original pioneer in this field of endeavour, although no other can compare with him in the lifelong devotion and indefatigable zeal which signalized his service to humanity. James Oglethorpe, who sat as Member for Haslemere for thirty-two years, may be said to be the first individual holding a public and responsible position to bring to the notice of Parliament the grave abuses of the prison system. His interest and sympathy were enlisted by the circumstance that a friend of his, one Castell, who had incurred liabilities he was unable to meet, had been thrown into the Fleet prison, and there being unable to pay the fees, was confined in a house where smallpox was raging and caught the disease of which he died. From that moment Oglethorpe interested himself and others in the reform of the debtors' prisons.

THE GOOD HUSBAND MEN

A still greater reformer than Oglethorpe arose in the person of James Neild, subsequent to John Howard's activities. He started life as a skilled jeweller, eventually setting up in the jewel business in St. James's Street, by which means he amassed a competent fortune. Like Oglethorpe his interest was first aroused in the need for reform in our prisons by a visit paid to a friend of his who had incurred the usual penalty of running into debt. Following in the footsteps of John Howard he made extensive tours of inspection of the prisons both at home and abroad. The result of his investigations is contained in various of his published writings which produced the desired effect upon public opinion. He died in 1814 after a career of conspicuous service to his fellow-men.

It was while Neild was carrying out his investigations and making his report that there appeared upon the scenes one of the most remarkable women in English history. It was in the year 1813 that for the first time a turn-key of Newgate unlocked the door to admit Mrs. Fry. Just as Florence Nightingale moved through the wards of the hospital at Scutari amongst the soldiers wounded in body, so Elizabeth Fry, bearing the lamp of kindness in her hand, brought solace and refreshment to her wretched fellow-beings wounded sore in spirit. The ministration of Mrs. Fry is the most epoch-making incident in the history of our prisons.

Mrs. Fry has suffered almost as much as John Howard from her biographers. The authoritative edition of her journals was published almost *in extenso* by her two daughters. It is inconceivable that anyone save an historical research student could plough through those ill-edited volumes to-day, and even for his purpose he would only meet with disappointment. It is equally

inconceivable that Mrs. Fry herself would have permitted their publication had she been consulted. True there is a day-to-day entry from her diary which, considering her experiences, should have been replete with interest and incident for the benefit of the general reader, but the major portion of each day's record consists of prayer and supplication, more appropriate to the silent closet than to the bookseller's counter. Moreover, Mrs. Fry was, of course, a Quaker, and presumably a modesty of expression is part of a Quaker's make-up. From one end of these diaries to the other she indulges in a perfect orgy of self-depreciation which conveys to the reader's mind what must be a quite misleading impression of her true character. When she was sixty-two years of age, the mother of eleven children and with more than treble that number of grandchildren, she writes in her journal :

I have not enough dwelt upon the extraordinary kindness of our dear brother and sister Buxton to us at this time, truly humbling to me, a poor unworthy worm of the dust.

Surely this must have been a *façon de parler*. There was not much "unworthy worm of the dust" about Mrs. Fry when she was importuning monarchs, prime ministers, and others in authority, both compatriot and foreign, to procure redress for the victims of our prison system. Both Florence Nightingale and Mrs. Fry have acquired a reputation for gentleness and meekness which it is very difficult to believe is, in the case of either of them, altogether appropriate.

To-morrow [writes Mrs. Fry in 1840] the King of Prussia has appointed me to meet him at luncheon at the Mansion House. I have rather felt its being the Sabbath, but as all is to be conducted in a quiet, suitable and most orderly manner consistent with the day I am quite easy to go.

THE GOOD HUSBAND MEN

This extract suggests that she must have made some stipulation that there should be no roystering or any of that scandalous behaviour which, for all her misgivings, is not usually associated with the austere residence of London's first citizen. "I entreated the Lord Mayor to have no toasts, to which he acceded and the King approved, but it was no easy matter. I rejoice to believe my efforts were right." The "unworthy worm of the dust" evidently turned when it came to a suggestion of toasts on Sundays at the Mansion House.

"I have fears for myself in visiting palaces rather than prisons." But it may be justifiably inferred that Queen Charlotte and others of her royal hosts and hostesses suffered as much trepidation in her presence as she did in theirs.

It is hoped that the following brief appreciation of a long and valuable career may serve to dispel some of the illusions which might possess the minds of those who take her diaries too literally.

At the time when Mrs. Fry, accompanied by a sister of Sir Thomas Buxton, first visited Newgate, the torch which John Howard had hoped to hand on brightly burning to his successors in charity, was wellnigh extinguished. "Howard and his humane exertions appear to have been forgotten and Acts of Parliament to become a dead letter and openly violated," she bitterly complains in describing the result of her first acquaintance with the existing conditions of the chief Metropolitan prison. This discovery of hers is borne out by the testimony of Neild, who in 1812 writes :

The great reformation produced by Howard was in several places merely temporary ; some prisons that had been ameliorated under the persuasive influence of his kind advice were relapsing into their horrid state of privation, filthiness, severity or neglect ; many new dungeons had aggravated the

HER FIRST VISIT TO NEWGATE

evils against which his sagacity could not but remonstrate, the motives for a transient amendment were becoming paralysed, and the effect that had ceased with the cause.

As an illustration of how valueless her own journals are to the historian, there is no explanation to be found in these voluminous pages as to what interval elapsed between her first and second visits to Newgate or the reason for this discrepancy. It is surmised that a protracted illness and family afflictions were the cause. In any case her daughters date the resumption of her beneficent work from the year 1816.

Mrs. Fry's eulogists rightly divide her work for the English prisons into two categories : first, her personal ministration amongst the prisoners themselves within the walls of the prison, and second, the successful effort she made in suggesting the reform of its administration. There can be no two opinions about her administrative ability, which far exceeded that of the statesmen she set out to influence. As to her methods, both the character and the result thereof may be more open to certain doubts and criticisms. It would be well, then, to explain in the first instance how Mrs. Fry and her noble band of coadjutors set about reforming the female side of Newgate.

The ladies arrived at the hour of unlocking and spent the whole day in the prison. They found Newgate in much the same condition as is described in a previous chapter. It is hardly to be supposed that the reader requires nauseating any further with details of the atrocious circumstances of those who became the object of their administrations.

Having explained their purpose to constituted authority they were met, be it said to the credit of those concerned, with a warm welcome, although with complete scepticism. "This, like many other useful and benevo-

THE GOOD HUSBAND MEN

lent designs for the improvement of Newgate," said one official, "would inevitably fail." It is difficult to appreciate what Mrs. Fry's conductor meant by "many other designs." There are none known to the historian up to this date save those suggested by Howard and Neild, and even these were neglected by the authorities. Another official bade Mrs. Fry not despair, but—in her own words—"he has since confessed when he came to reflect on the subject and especially upon the character of the prisoners, he could not see even the possibility of success." The Sheriff, Mr. Bridges, who was only too willing to be of assistance, told her that the concurrence of the women was indispensable, and he warned her that it was vain to expect such untamed and turbulent spirits would submit to the regulations of women armed with no proper authority and unable to inflict any punishment.

The two sheriffs met Mrs. Fry in Newgate and explained to the women the purpose and implications of her visit, investing it with their official sanction and support. To their surprise the women readily acquiesced in the schemes which were proposed. One of the two sheriffs thereupon turned to Mrs. Fry with the exclamation, "Well, ladies, you see your material."

At first acquaintance the material to which they were thus introduced could not have seemed very promising, but the ladies, nothing daunted, set to work. The essence of their teaching was to impart to the prisoners a nobler ideal of life and conduct based upon the gospels.

If anyone wants a confirmation of the truth of Christianity [wrote Mrs. Fry after having put her methods to the test] let him go and read the scriptures in prisons to poor prisoners. You there see how the gospel is exactly adapted to the fuller condition of man. It has strongly confirmed my faith.

M R S . F R Y ' S M E T H O D S

Convinced therefore of the efficacy of this method Mrs. Fry and her ladies instituted a regular reading of scriptures which was open to any of the inmates to attend. The effect produced, according to the ladies' own account, surpassed any expectations, but eulogistic biographers are apt in their enthusiasm to go far beyond what is capable of proof. In view of the picture which John Howard and others have given to us of Newgate it is difficult to conclude that the result of their system was as far-reaching as their own testimony would lead us to believe. It must be borne in mind that in terms of human beings there were many mansions in Newgate, and the success of the method must be measured by the quality and character of those upon whom these experiments were tested.

There are two letters written by female prisoners which have been invariably quoted by every writer on Newgate. As far as the theme of this work is concerned the material for the student is not inexhaustible, and each writer reproduces with a tiresome reiteration all that there is available. The two letters in question are included in every previous work dealing with the subject, presumably with the object of demonstrating the effect of Mrs. Fry's methods upon the wild viragoes of Newgate. They are reproduced here for the purpose of demonstrating that previous historians have left out of account two essential considerations, and have therefore been drawn to somewhat doubtful conclusions with regard to those who composed them. The first is a letter written by a woman condemned to death for forgery on the morning of her execution, and reads as follows :

HONOURED MADAM,

As the only way of expressing my gratitude to you for your very great attention to the care of my poor soul I fear I may

THE GOOD HUSBAND MEN

have appeared more silent than perhaps some would have been on so melancholy an event, but believe me my dear madam I have felt most acutely the awful situation I have been in. The mercies of God are boundless and I trust through His grace this affliction is sanctified to me, and through the Saviour's blood my sins will be washed away. I have much to be thankful for. I feel such serenity of mind and fortitude. God, of His infinite mercy grant I may feel as I do now in the last moments. It was a feeling I had of my own unworthiness made me more diffident of speaking so brief as was perhaps looked for. I once more return you my most grateful thanks. It is now past six o'clock. I have not one moment to spare. I must devote the remainder to the service of my offended God.

The other, written to some fellow-prisoners, was as follows :

Impressed with the deepest sense of your feelings for me under my awful situation I am sure was I to ask anything of you it would be granted . . . I would wish to impress on your minds the true light of the Gospel. . . . In the first place God gave me the spirit of humility, you must feel a love and affection for those that so kindly visit this prison. Then pray to the Lord to give you the grace of His Holy Spirit, and I am sure our dear beloved friends (Mrs. Fry and her ladies) will acquaint you by what way that is to be found . . . then pray, I entreat you, do not neglect the great work. Go upstairs rejoicing as if to a bridal feast. Oh! should the Lord deliver you from these walls think on me, and remember the end of sin is death. You all have my prayers . . . may the Lord be with you and keep you all.

Now it is quite obvious that neither of these letters was written by one of the hoydens that are so graphically described by all contemporary visitors to Newgate. They are the letters not only of well-educated but of intellectual women. It must be remembered that only

THE NEWGATE BIBLE CLASS

a very small proportion of the women prisoners was able to read or write. Therefore in quoting them as an example of the miraculous cure which Mrs. Fry's readings of the scriptures effected with the wild and dissolute inhabitants of this " hell above ground " her biographers are hardly doing justice to the intelligence either of Mrs. Fry or their readers. The fact probably was that any women who were well educated and of decent upbringing found in Mrs. Fry's Bible classes a welcome haven from the stormy atmosphere of the yards and cells of Newgate. Others who were probably incapable of appreciating the true bearing of her teaching found a solace in that beauteous and heavenly presence. There were also, it must be remembered, Quakers in Newgate whose worst crime in the eyes of the law was that they were Quakers, and were unable to take the oaths of Allegiance and Supremacy. On her second visit when she was for the first time left alone for several hours with the women, Mrs. Fry records that "some asked who Christ was." We can well believe that many of her audience were entirely unversed in things spiritual. And yet even discounting the enthusiasm of her biographers it must be admitted that all those, and there were many, who witnessed the remarkable scene of Mrs. Fry's Bible reading were amazed at the transformation she seemed to have effected, and the number of miracles she effected in cases which seemed incurable. There is the example which has been quoted by every writer who has written on the subject, or any remotely connected with it, of the woman that the ladies saw yelling like a wild beast, rushing round the yard with her arm extended, tearing the caps off her fellow-prisoners' heads, who under their influence afterwards became humanized, and on regaining her liberty married and settled down to a respectable life.

THE GOOD HUSBAND MEN

There is no question that remarkable cures were effected. One witness thus describes the transformation :

The courtyard into which I was admitted instead of being peopled with beings scarcely human, blaspheming, fighting, tearing each other's hair or gaming with a filthy pack of cards for the very clothes they wore, which often did not suffice for decency, presented a scene where stillness and propriety reigned. I was conducted by a decently dressed person, the newly appointed yardswoman, to the door of a ward, where at the head of a long table sat a lady belonging to the Society of Friends. She was reading aloud to about sixteen women prisoners, who were engaged in needle-work around it. Each wore a clean-looking blue apron and bib. They all rose on my entrance, curtsied respectfully, and then at a signal given resumed their seats and employments. Instead of a scowl, leer, or ill-suppressed laugh, I observed upon their countenances an air of self-respect and gravity, a sort of consciousness of their improved character and the altered position in which they were placed.

Much to her distaste almost a public exhibition was made of these readings. Mrs. Fry only consented to the presence of genuinely interested onlookers because she realized it was essential that the work she was doing should be emulated by other philanthropists elsewhere in England and abroad. Persons in the highest stations of life were induced to attend by the report of the miraculous cures which Mrs. Fry had effected. Among these was the King of Prussia, who had taken the liveliest interest in her work. In his presence she read to the female convicts the twelfth chapter of the Romans, after expressing the hope that the attention of none, particularly the poor prisoners, might be diverted from the reading by the company there, however interesting, but rather that they should remember that the King of Kings



Mrs. Fry in Newgate

Richard Dighton

HER ADMINISTRATIVE ABILITY

was there, in whose fear all should abide. In her usual humble vein Mrs. Fry records in her journal "our Newgate visiting could no longer be kept secret, which I endeavoured that it should be, and therefore I am exposed to praise that I do not the least deserve." Her visits became the theme of conversation in all circles of society. Lady Mackintosh refers to a dinner-party at Devonshire House—where the principal subject of conversation was Mrs. Fry's ministrations in Newgate—amongst a brilliant company which included the Duke of Norfolk, Lords Lansdowne, Lauderdale, Albemarle, Cowper, Hardwicke, Carnarvon, Sefton, Milton, Ossulston and others.

Mrs. Fry's activities often brought her into close communication with the condemned criminals in that prison. Invariably were to be seen at the Bible readings some females under sentence of death from the Old Bailey, who were awaiting the news of their final doom from the decision of the Privy Council.

However effective her methods of visiting may have been upon those who sat at her feet, there is no doubt that she proved that she had administrative qualities of the highest order, and that for creative ability few could compare with her. It was the experience which she gained in immediate contact with the prisoners themselves which started the train of her reflections. For instance, one woman the day before her execution said to Mrs. Fry, "I feel life so strong within me, that I cannot believe that this time to-morrow I am to be dead." This close association with the real tragedy of life gave her the opportunity she needed to reinforce her ideas with experience. No doubt such a cry of the heart made her rebel against the ferocity of a law by which the most trivial of offences forfeited the life of many a decent citizen. After her death some rough notes on

THE GOOD HUSBAND MEN

the subject in her handwriting were found amongst her effects.

Does capital punishment tend to the security of the people ? By no means. It hardens the hearts of men, and makes the loss of life appear light for them and it renders life insecure in so much as the law holds out that property is of greater value than life. The wicked are consequently more often disposed to sacrifice life to obtain property. It also lessens the security of the subject because so many are so conscientious, that they had rather suffer loss and sustain much injury, than be instrumental in taking the life of a fellow-creature. The result is, the innocent suffer loss and the guilty escape with impunity.

Does it tend to the reformation of any party ? No, because in those who suffer it leads to unbelief, hypocrisy and fatalism, in those who remain to discontent, dissatisfaction with the laws and the powers which carry them into execution, to hardness of heart and deceit. Does it deter others from crime ? No, because the crimes subject to capital punishment are gradually increasing. Punishment is not for revenge, but to lessen crime and to reform the criminal.

Mrs. Fry's work for the criminal was twofold ; she was largely responsible for the reform of the domestic arrangements of the gaols, but she was equally responsible for the ultimate reform of the administration of the criminal law.

In the prison itself she found children almost naked and pining for want of food, fresh air and exercise. She therefore proposed to the women to start a school, to which suggestion they acceded with tears of joy in their eyes. She selected from their own number a governess who proved thoroughly well qualified for the task, a circumstance which indicates that there were women of intellect and education within the precincts. An unoccupied cell was provided for this purpose. So successful was the venture that for want of sufficient

accommodation Mrs. Fry was compelled to refuse admission to many who wished to profit by it.

These and other of her reforms were welcomed with the cordial approbation of, if with some scepticism by, the Sheriffs, the Governor of the gaol, and the Ordinary.

The next step was to obtain work which could usefully employ the women's time, which now hung heavy upon their hands. It had occurred to Mrs. Fry that the manufacture of cloth for the penal settlements overseas would be an appropriate enterprise. She therefore called upon the firm of Mann, Richmond, Dixon & Co., of Fenchurch Street, who hitherto had held the contract. She explained her project, warning the manager that she was in this venture seeking to deprive him of this business. Finding her arguments irresistible the firm magnanimously waived their rights in favour of her project to help those who they willingly recognized were not appropriate subjects for commercial exploitation.

At Mrs. Fry's request the Sheriffs sent carpenters into Newgate. The old prison laundry, having been cleaned and whitewashed, was transformed into a workroom. Mrs. Fry then assembled the prisoners, acquainted them with her scheme and read a list of rules which she put to the vote. Although they were stringent the women readily subscribed to them all. Begging, swearing, gambling, quarrelling and immoral conversation were forbidden. All were required to submit themselves to the yard-keeper, monitors and matron, who were to be elected to these posts by themselves. These rules were religiously kept. Mrs. Fry in the course of one month was able to report to the Corporation the progress she had made. In response, the Lord Mayor, Sheriffs and Aldermen visited the prison. Amazed at the transformation she had effected in manners, dress and con-

THE GOOD HUSBAND MEN

versation they accepted her scheme of reform with alacrity. Mrs. Fry's rules were thereupon adopted into the prison system, power was conferred upon the ladies to punish the refractory, and the salary of the matron was incorporated with the regular expenses of the prison.

Another cognate problem upon which Mrs. Fry devoted her very particular attention was the atrocious circumstances of the female transports. Ever since the *Maria* was first visited in 1818, Mrs. Fry, accompanied by her devoted companion in charity, Mrs. Pryor, visited with only one exception every transport ship which sailed from England with female convicts, until prevented by the sickness which terminated in her death in 1845.

One K. B. Martin, captain of a merchant vessel, who on a certain occasion came to the rescue of these two ladies when their small boat was caught by a squall, has left us his impressions of Mrs. Fry :

I was then a dashing high-spirited sailor, but I had always a secret admiration of the quiet demeanour of that Society (Quakers). I had some dislike to sects then . . . but who could resist this beautiful, persuasive, and heavenly minded woman. To see her was to love her, was to feel as if a guardian angel had bid you follow that teaching which could alone subdue the temptations and evils of this life and secure our Redeemer's love in eternity. . . . I feel assured that much of the success which attended her missions of mercy was based upon that awe which such a presence inspired. It was something to possess a countenance which portrayed in every look the overflowings of such a heart, and thus as a humble instrument in the hands of Divine Providence she was indeed highly favoured among women. . . . It was an honour to know her in this world.

Being made aware of the disgraceful scenes that the departure of these poor women occasioned, she promised

THE FEMALE TRANSPORTees

them if they would behave decently she and the other ladies would accompany them to Deptford. When they first started upon this work of compassion they were distressed to see so many women and children herded together below deck. Mrs. Fry arranged that they should be divided and classified under monitors according to ages and criminality. In order to provide them with healthy occupation she started the industry of patch-work, which was so successful that the proceeds of the sale enabled them on arrival overseas to obtain shelter which was not provided by a beneficent government until engaged in service. Hitherto neither factory nor barrack of any description existed for the reception of the women when landed in the colony, not so much as a hut in which they could take refuge, so that they were driven to vice or mendicancy, in some cases even against their inclination. A small space towards the after part of the ship was set apart for the children where they could learn reading, knitting and sewing, one of the convicts undertaking to be mistress. During the five weeks that the ship lay in the river Mrs. Fry's ladies devoted much of their time to making these arrangements for the welfare of the transported women and their families.

In her evidence before the House of Commons Committee Mrs. Fry said :

In no instance have I more clearly seen the beneficial effects of ladies visiting and superintending prisoners than on board the convict ships. I have witnessed the alteration since ladies have visited them constantly in the river. I heard formerly of the most dreadful iniquity, confusion and frequently distress ; latterly I have seen a very wonderful improvement in their conduct, and on the voyage I have the most valuable certificates to show the difference of their condition on arrival in the colony. Samuel Marsden, who has been chaplain there a good

THE GOOD HUSBAND MEN

many years, says it is quite a different thing, that they used to come in the most filthy, abominable state, hardly fit for anything, now they arrive in good order and a totally different situation.

There is a picturesque description in the pages of Mrs. Fry's biography of her work in the docks :

The last time that Mrs. Fry was on board the *Maria* whilst she lay at Deptford . . . there was a great uncertainty whether the poor convicts would see their benefactress again. She stood at the door of her cabin attended by her friends and the captain, the women on the quarter-deck facing them. The sailors, anxious to see what was going on, clambered into the rigging, upon the capstan or mingled in the outskirts of the group. The silence was profound when Mrs. Fry opened her Bible, and in a clear audible voice read a portion of it. The crews of the other vessels, attracted by the novelty of the scene, leant over the ships on either side and listened apparently with great attention. She closed the Bible and after a short pause knelt down on the deck and implored a blessing on this work of Christian charity from that God who, though one may sow and another water, can alone give the increase. Many of the women wept bitterly, all seemed touched. When she left the ship they followed her with their eyes and their blessings, until her boat having passed within another tier of vessels they could see her no more.

Mrs. Young, wife of the Admiral of the Dockyard, recorded her impression of a similar experience :

I could scarcely look upon her as any other than an angel of mercy calmly passing from one to another of the poor wretched beings around her with the word of counsel, comfort or reproof that seemed suited to each individual case.

Miss Young, her daughter, was present when Mrs. Fry and Wilberforce on one occasion addressed the convicts off Woolwich, and has left us an account of it :

On board one of them between two and three hundred

REFORM OF THE CONVICT SHIPS

women were assembled in order to listen to the exhortation and prayers of perhaps the two brightest personifications of Christian philanthropy which the age could boast. Scarcely could two voices ever so distinguished for beauty and power be imagined, as indeed was testified by the breathless attention, the tears and the suppressed sobs of the gathered listeners. . . . No lapse of time can ever efface the impression of the 107th Psalm as read by Mrs. Fry with such extraordinary emphasis and intonation that it seemed to make the simple reading a commentary.

It was not only by the Word that she helped and cheered these wretched outcasts. She made application that matrons should be carried on these transport ships. Hitherto the convict women had been placed under the care, or perhaps it would be more appropriate to say at the mercy of, the sailors. The masters of these vessels as well as their crews had free communication with the women, not only during the voyage but whilst they were at anchor in the Thames, which was frequently the case for weeks at a time. Putting temptation thus in the way of rough sailors and still rougher women, the majority of both accustomed to the loosest manner of living, was hardly fair upon those in whose way it was placed.

Mrs. Fry fully realized that all her efforts on behalf of the female transportees at the port of embarkation would be rendered futile so long as the victims were without shelter, resource or protection when they arrived at their destination and commenced their life of exile. Rations sufficient only to maintain life were allowed them, but no place in which to reside, no clothing for themselves or for the children. Existence under these circumstances could only be maintained at the price of virtue. Much of these pitiable details she learned from the prisoners themselves.

THE GOOD HUSBAND MEN

It was Mrs. Fry who was mainly instrumental in improving the organization of reception in the colonies for these women. In 1819 she received from the Rev. Samuel Marsden, Chaplain in New South Wales, the following appreciation of her work :

It may be gratifying to you, madam, to hear that I meet with these wretched exiles who have shared your attentions and who mention your maternal care with gratitude and affection.

Other tributes were not lacking. The surgeon of a ship called *The Brothers* writes in 1824 from Port Jackson : "The force of example and the moral discipline have been admirably shown on this voyage." A missionary sailing in the same vessel wrote to her :

I beg leave to report to you the good conduct and decent behaviour of the Newgate women. That the kind instructions you have given them were not in vain was very evident on the voyage.

Both Admiral Young of the Dockyard at Deptford and Admiral Sir Byam Martin, Comptroller of the Navy, fully appreciated her splendid work.

Mrs. Fry was herself under no illusions as to the comparative merits of individual effort and the control of government in these matters.

I am anxious [she writes] that a few things which would greatly tend to the order and reformation of these poor women and protect their little remaining virtue should become established practices authorized by Government and not dependent upon a few individuals whose life and health and everything else are so uncertain.

But it required all her persistency to arouse officialdom to any sense of its responsibility in this direction. Particularly did she encounter the obstructive attitude of Sidmouth, better known as Addington, and not too

L O R D S I D M O U T H

well known as either Sidmouth or Addington, a thorough-paced Tory who opposed Catholic emancipation, the great Reform Bill, and by the same token Mrs. Fry and all her works. It seemed to him that Mrs. Fry's sympathy with brutal felons was as misplaced as it was inconvenient to himself. Nothing daunted she sought from Lady Harcourt an interview with the Home Office. Although it was accorded to her she left the premises "wounded and grieved" to attend a ceremony at the Mansion House, by command of Queen Charlotte, connected with schools for poor children.

Yesterday I had a day of ups and downs [she writes of this occasion] as far as the opinions of man are concerned in a remarkable degree. I found that there was a grievous misunderstanding between Lord Sidmouth and myself and that some things I had done had tried him exceedingly. . . . When under great humiliation in consequence of this Lady Harcourt took me to the Mansion House. . . . Among the rest the Queen was there. Much public respect was paid me and except the Royal Family themselves I think that no one received the same attention. There was quite a buzz when I went into the Egyptian Hall; where one to two thousand people were collected, and when the Queen came to speak to me, which she did very kindly, there was I am told a general clap. I think I may say this hardly raised me at all. I was so very low from what had occurred before.

The incident proves that although Ministers had no appreciation of her work the great public, even in those unregenerate times, was more susceptible to her reforming zeal.

Mrs. Fry did not confine her beneficent activities to the Metropolis. Like John Howard she devoted much of her activity to tours of inspection in the provinces and on the Continent. In October, 1818, she and her brother made a tour under the ægis of the Society of

THE GOOD HUSBAND MEN

Friends of various towns—Durham, Haddington, Aberdeen, Glasgow, Carlisle, etc. At the penitentiary at Portsea two of the inmates were pointed out as being particularly intractable. When she was about to go away she went up to these two and extending her hand to each of them said in a tone and manner quite indescribable, but so touching, “I trust I shall hear better things of thee.” The hearts which had been proof against the words of reproach and exhortation softened at the words of hope and kindness, and both burst into tears.

Of the Haddington gaol Mrs. Fry writes :

It is difficult to conceive anything more entirely miserable—very dark, excessively dirty—clay fireplaces, straw in one corner for a bed with perhaps a single rug—a tub in each of them, the receptacle of all filth. No clothing was allowed. No medical man and no chaplain were in attendance. The inmates never left their cells, for there was no change of rooms and no airing ground, nor could they be under anyone’s constant care, for the gaoler lived away from the prison. The debtors, whether they were healthy or sick, were confined night and day without change to a closet measuring not quite nine feet square and containing one small bed.

These conditions were fairly characteristic of all the similar penal institutions they visited in Scotland. Lunatics confined in association with the sane left a deep impression on the minds of the reformers.

It is safe to say that Mrs. Fry was the first, not only to treat prisoners as human beings but also to establish relations of sympathy with them. There is a letter published when she was ill in 1819 which, although obviously composed by an inmate superior to those she spoke for in intellect and address, no doubt expressed in more elaborate language than they could have com-

HER RELATIONS WITH PRISONERS

manded the true sentiments of the subscribers, a number of transportees :

It is with sorrow we say that we had not the pleasure of seeing you at the accustomed time which we have been always taught to look for ; we mean Friday last. We are fearful that your health was the cause of our being deprived of that heartfelt joy which your presence always diffuses through the prison, but we hope we shall be able personally to return you the grateful acknowledgment of our hearts before we leave our country for ever, for all the past and present favours so benevolently bestowed upon what has been termed the most unfortunate of society until cheered by your benevolence, kindness, and charity, and hoping that your health which is so dear to such a number of unfortunates will be fully re-established before we go, so that after our departure from our native land they who are so unfortunate as to fall into the same situation as those who now address you may enjoy the same blessings spiritually and temporally that we have done before them . . .

Signed, The Prisoners of Newgate.

At about the same date Mrs. Fry received a letter from eleven women who had made a disturbance in Newgate, which together with its reply reveals to what extent she had established mutual relations of sympathy. It is to this effect :

With shame and sorrow we once more humbly beg leave to address you in duty and respect to you and in justice to the greater number of our fellow-prisoners who through misconduct have fallen in general disgrace which our behaviour has brought upon us all, for which we are sincerely sorry, and entreating our sorrow may be accepted and forgiveness granted by her who we look up to as our most respected friend and benevolent benefactress. We are not only called by justice for this submission and acknowledgment of our fault but by gratitude to you, honoured madam, and the rest of the worthy ladies who have interested themselves in our behalf. . . . Entreating you to impute it to our being led away by the passion

THE GOOD HUSBAND MEN

of the moment and humbly hoping this acknowledgment may prove successful in restoring us to your good opinion and contradicting the bad one impressed on the public mind.

To these letters Mrs. Fry replied in the following terms :

You have often been in my affectionate remembrance, accompanied with anxious desires for your good. I am fully sensible that many of you claim our pity and most tender compassion, that many have been your temptations, many your afflictions. But mournful as your state is yet you may have hope, and that abundantly. . . . Do you not remember in the parable of the Prodigal Son that when he was yet afar off, the Father saw him, had compassion on him and even went out to meet him. So I doubt not, you would find it, even some of you who are now afar off from what is good. If you are only willing to return, you would find yourselves met by your Lord ever with great compassion, and He would do more for you than you would ask or think. I feel much love for you and much desire for your own sakes, for the sake of others and for our own sakes, who are willing to do what we can to serve you that you would thus in heart seek the Lord and prove your love to Him, and your repentance by your good works and by your orderly conduct. I was much grieved at the little disturbance amongst you the other day, but I was pleased with the letter written me by those who were engaged in it and I quite forgive them. Let me entreat you whatever trying or even provoking things may happen, to do so no more, for you sadly hurt the cause of poor prisoners by doing so, I may say, all over the kingdom, and thus enable your enemies to say, that our plans of kindness do not answer, and therefore they will not let others be treated kindly. Before I bid you farewell I will tell you that I am not without hope of seeing you before long, even before the poor women go to the Bay, but if I do not may the blessing of the Lord go with you when on the mighty deeps and in a strange land. What comfort would a good account of you give us, who are so much interested for you, and in case I should not see you I have two things especially to mention to

M R S . F R Y ' S S U G G E S T E D R E F O R M S

you and guard you against, things which I believe have brought most of you to this prison. The one is giving way to drinking too much, the other is freedom with men. I find I can most frequently trace the fall of women to these two things, therefore let me beseech you to watch in these respects and let your modesty and sobriety appear before all and that you may grow in these and every other Christian virtue and grace is the sincere desire and prayer of your affectionate friend and sincere well-wisher.

Mrs. Fry was perhaps the first affectionate friend and sincere well-wisher these unfortunate prisoners had ever experienced.

We continue to have much satisfaction [she writes at this period] in the results of our efforts in Newgate. Good order appears increasingly established, there is much cleanliness amongst our poor women, and some very encouraging proofs of reformation in habit and what is much more in heart. . . . I am of opinion from what I have observed that there are hardly any amongst them so hard but that they may be subdued by kindness, gentleness and love so as very materially to alter their general conduct. Some of the worst prisoners have, after liberation, done great credit to the care taken of them.

But she knew that nothing short of a complete change in administration and a change of heart in government could effect permanent and general good. The main points upon which she insisted in her evidence given before the House of Commons were that matrons and only female officers should function on the female side, that prisoners should be employed, that there should be separation between the sexes, especially at night, that there should be compulsory instruction in the case of illiterate prisoners, that there should be careful superintendence of intercourse during the day, solitude at night and finally that there should be lady superintendents of the gaol.

THE GOOD HUSBANDMEN

At the time when Mrs. Fry reached the meridian of her activities the Newgate Association was established as the result of a three-years' probationary test, and a committee was formed to answer inquiries and communicate information elsewhere. Ladies' associations were formed in the provinces, but for the present some degree of classification, employment and moral influence were all that could be effected without further assistance from above. Mrs. Fry with her two elder daughters made another tour encouraging the function of these associations.

No description of the activities of the reformers is complete without allusion to the Prison Discipline Society founded in 1818, with whose admirable work the name of Sir Thomas Fowell Buxton will always be associated. Coming of Norfolk stock he combined with his philanthropic ventures a love of sport and nature which the Eastern counties seem to engender in the sons of their soil and an aptitude for business which so often reveals itself in Quaker stock. He had married the sister of Elizabeth Fry and found in the latter a congenial spirit for the noble work upon which they together laboured unremittingly. He was the author of a pamphlet entitled *Whether crime and misery are produced or prevented by our present system of Prison Discipline*, which occasioned the establishment of the Society. In the preface of this pamphlet he observes :

It is evident, I conceive, that where the law condemns a man to jail and is silent as to his treatment there, it intends merely that he should be amerced of his freedom, not that he should be subjected to any useless severities. . . . Prisons must contain masses of offenders with different shades and distinctions of guilt, and we must either make imprisonment as bitter as possible and thus involve the comparatively innocent in those hardships which were imposed upon delinquency of the deepest

SIR THOMAS FOWELL BUXTON

hue, confounding all notions of equity, or we must come to the conclusion that imprisonment is nothing more than deprivation of liberty and ought therefore to be attended with as little of what is vexatious and as little of what is hurtful as possible. . . . Prison is a place of retention not of punishment.

As to the prisoner,

You have no right to abridge him of pure air, wholesome and sufficient food and opportunities of exercise. You have no right to debar him from the craft on which his family depends, if it can be exercised in prison. You have no right to subject him to suffering from cold by want of bed-clothing by night or firing by day, and the reason is plain, you have turned him from his home, and have deprived him of the means of providing himself with the necessities of life, and therefore you are bound to furnish him with moderate but suitable accommodation.

You have no right to ruin his habits, by compelling him to be idle, his morals by compelling him to mix with a promiscuous assemblage of hardened and convicted criminals, or his health by forcing him at night into a damp unventilated cell . . . or to make him sleep in contact with the victims of contagious and loathsome disease. . . . Whoever heard of a criminal being sentenced to catch the rheumatism or typhus fever. . . .

The convicted delinquent has his rights. All measures and practises in prison which may injure him in any way are illegal because they are not specified in his sentence. He is therefore entitled to a wholesome atmosphere, decent clothing, bedding, and a diet sufficient to support him.

The Prison Discipline Society made a report in the year 1820 indicating the flagrant violation of the Acts of George IV. Although it was incumbent upon two or more justices to visit prisons three times a quarter and to report in writing to Quarter Sessions this regulation had been neglected, as justices feared the fever which their visits might have obviated. Whereas it was enacted

THE GOOD HUSBAND MEN

that the personnel of the prisons should be classified into prisoners convicted of felony, prisoners convicted on charge or suspicion of felony, prisoners guilty of misdemeanours, prisoners charged with misdemeanours, and debtors, it was revealed that in 1818 out of 518 prisons to which 100,000 prisoners had been committed, in one year only twenty-three prisons were divided according to the law. Whereas it was enacted that male and female prisoners should be kept separate only twenty-three prisons observed the regulations strictly and fifty-nine had no division whatever. Whereas work was to be provided, in 445 prisons there was no work done at all. As to overcrowding, in 100 gaols capable of accommodating 8,500 there were as many as 13,000 inmates.

It is quite true that the penitentiary system suggested by Howard and revived by Jeremy Bentham had been carried into effect to the extent that land was bought for building thereon Millbank Penitentiary at a cost of half a million, but owing mainly to the unworthy personnel of the prison, the scheme failed to do itself justice. The Prison Discipline Society, however, persevered in spite of all disappointment and the inveterate hindrance which came both from expected and unexpected quarters. The celebrated wit, Sidney Smith, be it said, was one of its most persistent foes. Amongst other of its achievements were the establishment of refuges in Hoxton for males and in the Hackney Road for deserving cases of females discharged from prison. In these institutions training in habits of industry and morals was the main objective.

An Act was passed in 1824 which greatly strengthened the hands of the Prison Discipline Society. Its provisions included those for the better moral and physical health of the prisoners. It provided for convict labour, the separation of sexes, classification, female warders for

the female side, proper religious equipment, instruction in reading and writing and the prohibition of ironing except in urgent cases. But in spite of this beneficent legislation progress was slow. One of the difficulties to be met was the lack of uniformity in the enforcement of penalties, exercise, employment and general administration noticeable in various prisons, which was destined to continue for another half-century until the Prison Act of 1877 corrected this abuse.

The law had defined general principles of prison government but hitherto left it too much to the discretion of the magistracy to fill in details. The Legislature only recommended when it should have compelled. Moreover, numerous prisons under local jurisdiction which were exempted from the operation of the law were so defective that reform seemed hopeless, and it was thought wiser not to bring them within provisions which under the circumstances would be inoperative. One hundred and seventy local authorities possessed the right of trying criminals. One hundred and sixty had gaols of their own withdrawn from central authority where rules were ignored.

Members of the Society in their tours of inspection still found the old abuses all too prevalent. In one typical instance the hospital was filled with infectious cases, and in a room 7 feet by 9, with closed windows, a lad lay ill with fever with three healthy prisoners. Mr. Buxton counted eleven children hardly old enough to be released from the nursery at Bristol. It was

a scene of infernal passions and distresses which few have imagination sufficient to picture and of which fewer still would believe that the original is to be found in this enlightened and happy country.

Furnished with a candle he descended eighteen long

THE GOOD HUSBAND MEN

steps into a vault. At the bottom was a circular space through which ran a narrow passage, and the sides of which were fitted with barrack bedsteads. The floor was on a level with the river and very damp. The smell was excruciating. On a dirty bedstead lay a wretched being in the throes of sickness. The place was only ventilated by a kind of chimney which prisoners kept hermetically sealed and which had never been opened in the memory of the turn-key. Untried persons were often lodged here, and sometimes were loaded with heavy irons for a whole year awaiting gaol delivery.

Mrs. Fry had by now become a recognized authority on prison management. Even magistrates sought her advice, and from foreign capitals came frequent requests for her views. In June, 1821, she had occasion to rejoice when she witnessed the Freemasons' Hall filled with persons of rank and influence on the occasion of the meeting of the Society for the Improvement of Prison Discipline. The Duke of Gloucester presided, supported by Lord John Russell, Lord Stanley, Lord Belgrave, Lord Calthorpe, Sir James Mackintosh, Sir Thomas Baring, and other men of light and leading. She was loudly applauded on leaving the hall.

In her later years appear characteristic entries in her journal, from which the following selection is made. In 1823 she writes :

I dined at the Mansion House—a change of atmosphere spiritually. . . . Generally speaking I believe it is best to avoid such occasions for they take up time and are apt to dissipate the mind, although occasionally it may be the right and proper calling of Christians, thus to enter life.

On the 5th day of March I went to meet the Secretary of State (Sir Robert Peel) and the Speaker of the House of Commons at Newgate with my brother Fowell Buxton and my

M R S . F R Y ' S E V I D E N C E

husband. Sixth day in town again to Newgate, one of the Bishops and many others there.

12th April: We have been engaged in various ways particularly in the sale of work done by the poor prisoners in Newgate. This has been a considerable public exposure, but I trust not without profit. I deeply felt upon entering it the danger of the pollutions of the world.

January, 1831. My interest in the cause of prisons remains strong and my zeal unabated, though it is curious to observe how much less is felt about it by the public generally.

In 1832 she writes :

I rather feel having to go before the Committee of the House of Commons on the subject of prisons. May any good to this important cause be done by it and may I be helped to do my part with simplicity as unto God and not unto man.

The object of this Committee was to ascertain the best modes of secondary punishment with a view to the suppression of crime. Mrs. Fry's considered opinions were expressed both on this occasion and on others as the result of personal experience derived from tours of inspection and also from mature consideration.

Her views on solitary confinement, a subject at that time exercising the minds of the reformers, were that very many hours might be passed alone with advantage and the night always, but she recognized a considerable difference between useful and improving reflection and the imagination dwelling upon past guilt or prospective guilt. Her conviction was that with the greater number of criminals left to feed upon their own mental resources the latter state of mind was highly probable, the former very unlikely. Confinement that secluded them from the vicious but allowed of frequent intercourse with the sober and well-conducted persons would have been in her view the ideal to be aimed at. Some years later in France she discussed these matters with M. de Béranger.

T H E G O O D H U S B A N D M E N

She explained to him the above views, which experience had taught her, but warned him of the difficulty of obtaining a sufficiency of officers of good character. If of bad character the prisoners are subject to the moral contamination of the officers.

On that visit she incidentally discovered that by the laws of the country a boy was not held responsible for his actions under sixteen years of age, and if he committed a crime he was detained but not sentenced. Fathers had the power of confining their sons under age.

In 1832 she received a letter from the Home Office assuring her that even Lord Melbourne was fully sensible of the good which had been done by herself and the ladies connected with her in many of the prisons, and of the great benefit derived from their exertions by the female transportees, and that His Lordship was anxious as far as it could be that the visiting magistrates should favourably entertain and second her benvolent intentions.

In the year 1833 we find her visiting the Island of Jersey and giving to the authorities there a piece of her mind.

Our protracted residence in this beautiful and interesting island has afforded me a full opportunity of observing the manner in which the defective system pursued in the management of the Prison appears to operate upon its inmates, and I feel it to be my duty to represent to you the effects which my experience has taught me must necessarily result from its operation as being nothing less than a gradual but certain demoralization of the lower and some of the middle classes of society and the increase rather than the diminution of crime.

Twice again she crossed to Jersey to see that her recommendations had been given effect to.

In the year 1835 she was ordered to attend the Select Committee of the House of Lords appointed to inquire

M R S . F R Y ' S L A S T D A Y S

into the state of the gaols. An eye-witness writes a vivid account of her on this occasion.

Never, I should think, was the calm dignity of her character more conspicuous. Whatever her inward feelings might have been, nothing like excitement was visible in her manner, nothing hurried in her language. Perfectly self-possessed her speech flowed melodiously, her ideas were clearly expressed, and if another thought possessed her besides that of delivering her opinions faithfully and judiciously on the subjects brought before her it was that she might speak a word for her Lord and Master in that company.

In 1840 she recorded the fact in her journal that she visited Parkhurst,

an interesting new prison for boys which gave me much satisfaction. It was curious to see some of the very things that in early life I in part began carried out in practice. I have lived to see much more than I expected of real improvement in prisons.

In 1842 she sat between the Prince Consort and Sir Robert Peel at a Mansion House banquet, to which she makes a quaint but characteristic reference :

I find that the newspaper report of the dinner has excited some anxiety at my being there for the toasts, music, etc., it is thought I set a bad example by it and it may induce others to go to such dinners, and that my being present appeared like approving the toasts. At the same time I felt so much quietness and peace when there and afterwards that I fear being now too much cast down or tried by these remarks.

In the same year she is still pursuing her endeavours on behalf of the female transportees.

By the year 1845, when she attended for the last time the meeting of the British Ladies' Society, she had the happiness of knowing that Newgate, Bridewell, the Millbank Prison, the Giltspur Street Compter, White

THE GOOD HUSBAND MEN

Cross Street Prison, Tothill Fields Prison and Cold Bath Fields Prison were all in a state of comparative order, some exceedingly well administered, and the female convicts in all visited and cared for by the ladies. Although the initial interest of the public occasioned by her visits to Newgate had by now subsided, everywhere a steady resolute improvement was perceptible.

Well might she say toward the end of her days :

My life has been a remarkable one, much have I had to go through, more than mortal knows or ever can know. My sorrows at times have been bitter, my consolations sweet.

She died on 12th October, 1845.

Although before her death she had much consolation and satisfaction in the apparent results of her work, many years were to pass ere the full measure of reform which she had advocated was achieved. Most authorities agree that the present system of prison administration can be dated from 1840, five years before the death of Mrs. Fry, when Pentonville Prison, with its system of separate cellular confinement, was built, although the Prison Act of 1778 incorporated that system in its provisions. Within half a dozen years no less than fifty-four prisons were erected by local authorities upon this model, but prison reform could be but slowly effected so long as a complete lack of homogeneity amongst local authorities obtained. In 1849 Mr. Charles Pearson moved for a Select Committee to report upon the best means of securing a uniform system. Apart from the convict prisons being placed under a Board of Directors, nothing was done for thirteen more years, when in 1863 another Committee, set up with the same terms of reference, reiterated the same views. Even the Prison Act of 1865 failed to secure complete uniformity. Crime, however, gradually

PRISON BILL OF 1877

came to be regarded not only as of local but of national concern. Prison charges, it was argued, should be borne by the Exchequer and not by local rates. Once this principle was acknowledged the whole question of prison reform took on a different aspect. By the Prison Bill of 1877 the control of all gaols was vested in a body of Prison Commissioners appointed by and responsible to the Home Secretary. What followed justified Lord John Russell's prophecy at the time of the first prison reformers' activities :

I believe our country is about to become distinguished for triumphs, the effect of which should be to save and not to destroy. . . . Instead of laying waste the provinces of our enemies we might begin now to reap a more solid glory in the reform of abuses at home and in spreading happiness through millions of our own population.

CHAPTER VIII
THE PURGING OF THE SOIL

FAR-REACHING and enduring as were the results of the efforts of those intrepid reformers, who justifiably usurped the functions proper to and yet abdicated by Government in the manner described in previous chapters, it is doubtful if the most enlightened of them either in the eighteenth or the early years of the nineteenth century probed deep enough down to fundamentals. As we have seen, there were three stages in the development of the treatment of crime, the first influenced by the principle, singularly futile as it proved, that the punishment should suit the crime. The second stage witnessed application of another principle in almost direct abnegation of the former of suiting the punishment to the criminal. In the third stage the more enlightened view was adopted that both the first and the second principle were abortive unless the reformation of the criminal was to be the paramount consideration.

But that which differentiates modern methods from obsolete is recognition that more effective still than the process of either punishing or reforming the transgressor is the removal of the causes that create in him criminal tendencies, although it is only fair to the memory of Jeremy Bentham to credit him with an effort to discover and to combat the causes of crime, a more valuable contribution towards its eradication than his famous "Panopticon." It is expedient there-

CAUSES OF CRIME

fore to inquire what are the most potent causes of crime apart from what might be termed accidents which may occur in any class of society or under any circumstances of human existence. There are perhaps three causes more accountable for the manufacture of crime than any other of the numerous occasions pleaded in extenuation of guilt. These are defective education, bad housing and poverty. The first concerns the moral aspect of the question, the second and third the physical.

Various authorities who have written upon the subject of crime and its origin have discussed its interaction with education. It has even been seriously advanced by at least one investigator that education, far from serving as an antidote to criminal tendencies merely aggravates them. One author sums up against education on the ground that it brings new crimes in its train. We might surely just as fittingly despair of the human race because the procreation of children under certain circumstances leads to bastardy. It may be arguable that education has actually engendered a particular type of crime, and that the development of banking, commerce and industry has been favourable to the operation of a more intellectual type of malefactor. It is conceivable that forgery, coining and variations of commercial fraud require a comparatively high standard of education in the perpetrator, but this is a very specious argument. We have not to go much deeper to expose its fallacy. Let us take for the purposes of our investigation the man with no erudition whatsoever, one who knows nothing of the sublimation of animal instincts with intellectual pursuits, it is certain enough that his refraining from anti-social conduct is exclusively due to fear of the consequences if there are any detrimental to his own interests, and indeed, if he be sufficiently intelligent to appreciate what such consequences may be. It is very

THE PURGING OF THE SOIL

difficult to understand how any higher ideal could be inculcated into one who is so ignorant that he is unable either to read the thoughts and opinions of others or to put his own with coherent sequence into writing. There may be a few who have that instinctive discrimination between right and wrong that we perceive even in certain domesticated animals, but it is only when man learns to read and write that he can acquire any true knowledge of good and evil and the faculty for regulating his elementary passions and impulses.

The initial difficulty we are confronted with is that argument on this subject is almost impossible of demonstration or of proof. A method which might be suggested would be to compare the statistics of crime to-day with those at a period of history when only a negligible proportion of the community were well educated. Not only is such information lacking to us, but once we take a plunge into the swirling pool of criminal statistics we are caught by so many cross-currents that the chances of reaching *terra firma* again are remote. There is nothing more misleading or more illusive than statistics of crime. While new varieties have been added in comparatively recent years to the list of crimes committed, some would say through the medium of education or through certain reactions of civilization, there has been a very decided improvement in police organization, which makes the apprehension and the conviction of criminals more infallible. Statistics are more meticulously kept than of old. Under a more lenient code there is less reluctance to prosecute. And many other reasons can be adduced to demonstrate the futility of instituting a comparison between the records of to-day and those of a century ago.

The only conclusive method of proving the case would be if by a miracle the whole community could be made

EDUCATION AND CRIME

to forget all that it had learned and were to return to the jungle from whence it came, left with animal instinct as its only guide. There can be little doubt that if this supernatural process could be put into operation proof positive would be forthcoming to establish that education is one of the supreme influences in obviating crime.

After all, the mere fact that a man can read opens up to him, if he takes advantage of his opportunities, not only a wide range of intellectual accomplishments which keep in abeyance his lower instincts, but assist him to form a right judgment in all things. The philanthropists who cleansed our gaols, who re-fashioned our administration of justice and taught the best methods of prevention of crime and the amelioration of the criminal, owed their benevolent predispositions to education. It is all to the good that our judges no longer are so ill educated as to believe in witchcraft. The whole police organisation in this country could not be the efficient instrument it is were it not for the fact that its personnel is composed of men the majority of whom have received a competent education and include a number who have been educated up to a very high standard.

But perhaps the most conclusive proof of all that education and crime are antipathetic, is that the present-day inhabitants of our gaols, with the fewest possible exceptions, are the least well educated of the general community either in erudition or in conduct.

Finally it must be remembered that if it is to be accepted as a definite constitutional axiom that ignorance of the law does not excuse a breach of the law, it is incumbent upon the State to ensure that every individual coming within its jurisdiction is sufficiently well educated to be able to acquire a competent knowledge of the laws he will be penalized for breaking.

The miscellaneous physical causes of crime are no

THE PURGING OF THE SOIL

less important than the moral, because the two categories are absolutely interdependent. Such physical conditions as bad housing, malnutrition and uncleanliness of every variety have a detrimental effect not only upon the bodies but upon the minds of those who suffer from them. The impoverishment of the mind and body are inseparable concomitants.

It often happens for the very reason that physical weakness is produced by the evil circumstances of the victim that moral weakness also ensues. Although this may be a platitude of the first order of precedence, it is only during the last fifty years that there has been any indication that Government has awakened to the importance of improving the housing conditions of our people, and even to-day a great deal of headway in this direction will have to be made up before the ideal standard is attained.

Perhaps the reader will be indulgent enough to allow me at this point to obtrude my own personal observations. Hitherto I have relied for my material upon the experience and the writings of others, but in the remaining paragraphs of this work I should prefer as far as possible to depend for my conclusions upon what I have heard with my ears and seen with my eyes, not because I wish to assert the opinions I have formed to the exclusion of or in preference to those of others more expert than myself, but because I agree with Fielding when he writes :

If any gentleman who hath had more experience, hath more duly considered the matter, or whose superior abilities enable him to form a better judgment shall think proper to improve my endeavours he hath my ready consent. Provided the end be effected I shall be contented with the honour of my share how inconsiderable is the means.

There has recently been brought to my notice a number

EFFECT OF BAD HOUSING

of disturbing examples of present-day overcrowding in the industrial districts of London, of which I will provide the reader with a sufficient selection to open his eyes if they need opening to the dimensions of this particular social evil in its relation to the root cause of crime. In M—— Street a man, his wife, two sons of thirteen and four years of age, are living and eating in one squalid basement room. In a second example we find the ground-floor back room has three beds placed close together with barely sufficient room for the door to open. In this room sleep five boys, aged twenty-two, twenty-one, eighteen, six and five years of age, respectively, together with two girls aged twelve and nine years. In the third example the tenant sleeps in the first-floor back room with her husband and a boy of seventeen years of age, the ante-room being occupied by four grown-up girls, while the front room is inhabited by her married daughter and her husband together with boys aged fourteen, thirteen, ten, seven, six and two years of age, in which room the family meals are taken.

While it may not be possible to doubt that such a want of segregation of the sexes or any kind of domestic seclusion has a deteriorating effect upon the very young mind, it is equally impossible to withhold a tribute of admiration from many of those of our unfortunate fellow-countrymen who are compelled to live in such vile conditions and yet are able to conduct themselves as decently and respectably as those who in youth are sheltered from the realities of life. Apart, however, from these considerations, no one can deny that such domestic conditions as I have described in the preceding paragraphs must affect adversely the physical health of parents and children alike, and that in bodies so weakened the resisting power to evil moral influences must be the less. Healthy, decent housing conditions cannot fail to

THE PURGING OF THE SOIL

contribute to the decrease of criminal tendencies. Furthermore, the absence of home life which we cherish so much in England—and there can be no home life in such habitations—is another serious aspect of the question. It does not require a very considerable experience of the slums to appreciate that, there being no available space in the home in which to spend his spare time, there can be no alternative for the youth but the street, which leads the young wayfarer too often in a direction that ends in disaster. Incidentally it is in making provision against such contingencies that the voluntary organizations have been instrumental in supplying a national need of inestimable value serving to keep in abeyance tastes and inclinations which are the reverse of wholesome.

The effect of poverty due to unemployment or to employment with so low a rate of remuneration as to deny to the worker a decent standard of life, upon the increase of crime is too obvious to need elaboration, but poverty is without any doubt one of the main contributory causes.

It is extremely difficult to disentangle one cause of crime from various others. For instance, at more than one period of English history drunkenness was a menace to the health of the nation, but one of the causes of drunkenness was the poverty, misery and lack of wholesome amenities that characterized the lives of the workers during those periods. This most insidious of all vices has been so much on the decrease during the last two or three decades that it has ceased to rank high as a cause of crime. That the State should interfere to check its prevalence was recognized as long ago as the reign of James the First, when the sovereign himself issued licences for bowling alleys and other places for indoor pastimes with the express purpose of providing a

DRINK AS A CAUSE OF CRIME

counter-attraction to drink. With the same object in view he even wrote a treatise in favour of permitting sports and recreation on Sundays after the hours of Divine Service, and required the clergy to read it in their churches. Unfortunately, the entertainment to which the English people of that period were most partial consisted of bull and bear baiting and brawling, so that the good intentions of this enlightened monarch were not fulfilled. But from this time onwards we find at recurring periods the State taking cognizance of the drink evil with more or less satisfactory result. There can be no question that the present decline in drunkenness, while it is to be attributed to a variety of causes, has been due in part to legislation. But it is not only legislation that has caused this noticeable decrease in drunkenness. It is difficult to resist the conclusion that the insobriety of the masses in the eighteenth century and the prevalence of crime due directly or indirectly to that vice owed its origin to the fact that there were so few wholesome amenities in the lives of the working classes. No greater change has taken place in the habits and customs of those who dwell in the industrial districts of great towns than that which is derived from the increased opportunities for recreation and healthy amusement. However much Local Government may be taken to task by the ratepayer for what he considers culpable extravagance there is no question that money has been well spent, if lavishly, in providing interesting and diverting occupation in their leisure hours for workers of all ages, who with better wages can now afford the fees necessary for indulging in them. The provision of swimming baths and pools, dance halls, public libraries, gymnasia, recreation grounds, and numerous other facilities for amusement has been of great moral value in inducing men, women and children to utilize their

THE PURGING OF THE SOIL

spare time well and to correct tendencies that lead to vice and crime. But it is not only local authorities that have provided such valuable amenities. In the last twenty or thirty years many voluntary associations have sprung into existence to meet the needs of adolescence in this respect. The result they have achieved is of inestimable importance to the State.

Another factor sometimes ignored by writers on this subject, which has indirectly served to decrease crime by raising the standard of living is the redistribution of wealth. Until recently it can be said that most of the wealth of the country was in the hands of a very small, governing class, of which the great landowners formed the predominant section. The vast majority of English men and women were situated very little, if at all above the subsistence level. Wealth has been redistributed in various ways, but mainly by the steepening of the Income Tax grade and the imposition of estate duties, and also by the increase of wage and salary standards by which the capitalist ceases to claim so great a share of the profits of industry. A more equitable distribution of wealth, whether or not successive Chancellors of the Exchequer intended it to produce this result, has certainly been of incalculable advantage in decreasing crime by providing the majority with more decent standards of living and more opportunities for healthful recreation. No one who has had any acquaintance with the so-called slums can fail to appreciate the remarkable change for the better, with the possible exception of housing, that has taken place within the last twenty-five years. Those who are reluctant to acknowledge the validity of this argument will no doubt adduce in their favour the evidence of a considerable increase of juvenile crime in recent years. It must be acknowledged that while most of the factors which were mainly responsible for juvenile

FIRST STEPS IN REFORM

crime in the eighteenth century have been removed, others, some of them equally detrimental, have come into play. While some of the tares have been weeded away it is certainly true enough that others have grown in their place. The problem of the recent increase in juvenile crime is discussed in later paragraphs, but no one can gainsay that the notable improvement in the standard of living has reduced crime in a remarkable degree.

We are drawn, then, to the first conclusion that the rooting out of those conditions which make human beings criminal contrary to their better natures and inclinations is the first step in the elimination of law-breaking. This process must, of course, be a question of time. The evils are too deep-seated to be easily eradicated, and we can be sure that human nature being, and likely to remain, what it is the problem of crime will always be with us, and therefore we shall never be relieved of the obligation to study its incidence and to discover appropriate methods of treatment and of reformation.

With regard to the first guiding principles of treatment there are two considerations which at a certain point seem to conflict : the first is the security of the general public, in other words the protection of decent law-abiding citizens from violence and depredation ; the second, equally important, is the reformation of the malefactor. In the case of the first offender his reformation is a consideration of supreme importance for his own and the public's sake, but, in proportion as the offender persists in breaking the law so the consideration of the protection of the public from his law-breaking must in proportion become increasingly predominant. How, therefore, to obviate the first offender developing into a persistent and incorrigible offender should be the main consideration of government in dealing with

THE PURGING OF THE SOIL

crime, and as the majority of first offenders are youths it is around youth that the problem centres.

If it is established, and clearly it must be, that the first essential of dealing with the whole problem of the criminal is to negotiate it at the right end, the proper scientific treatment of youthful delinquency is the next most important consideration. Recognition of this fundamental axiom has been conceded in recent times by the State itself. During the years 1907 and 1908 there was placed upon the Statute Book a trinity of measures which have effected the most beneficial revolution in the treatment of crime, namely, the Acts that sanctioned the Probation System, the Borstal Institutions and the Juvenile Courts.

We start to-day with the immeasurable advantage of having made in quite recent years some all-important discoveries in this direction. We have discovered, for instance, that to treat boys who have committed different offences in the same way, as was the procedure in the eighteenth century, would be as absurd as to administer the same treatment for measles as for rheumatism. Again, we now realize that to treat boys the same just because they have committed identically the same crime would in many cases be as inappropriate as to give the same medical treatment to persons of weak and strong constitutions. Having rejected the idea, firmly rooted in human prejudices, that there is a definite criminal type innate and indelible, and even perhaps to a large extent having discarded the theory of heredity, we have discovered that it is just as important to make meticulous inquiry into the circumstances, antecedents and environment of the delinquent as it is to make investigation into the nature of his crime. In this connection, and particularly with regard to the adolescent, for proper diagnosis and prognosis of each



R E C E N T D I S C O V E R I E S

case it is impossible to ignore the all-important question of sex. Again, our standards of value as regards crime in their application to its treatment have been radically altered for the better, although in my own opinion, they yet need considerable modification. It is now realized that punishment, although essential, is worse than useless unless the reforming of the criminal is an integral part of the method to be employed for that purpose. Not by any means the least important discovery we have made is that, however scientific your treatment may be, one vital consideration is the suitability of the personnel that administers the process of regeneration. We have discovered that treatment will fail in the vast majority of cases unless the after care is regarded as important as the treatment within the institution. We have discovered that prison is always a hazardous expedient for curing criminal tendencies, and that it should be postponed until through the persistency in crime of the subject of your treatment the safety of the public becomes again the predominant consideration.

Finally we have made discoveries too numerous to be catalogued as to the conduct of institutions which deal with juvenile delinquency that have resulted in those institutions recording a very high percentage of success. These discoveries are so important, and, in spite of being so obvious, so difficult to be appreciated in all their bearings by those who have not made a special study of the subject that perhaps the reader will permit an attempt on my part to elaborate them. A personal association in both an official and an unofficial capacity for a number of years with the problem of the young delinquent has taught me that although there may be certain denominators common to the majority, and, although for reasons I have already enumerated, they are mostly drawn from the indigent section of the community, there is an infinite

THE PURGING OF THE SOIL

variety of character and type demanding an infinite variety of treatment. It would therefore obviously be impossible to lay down any rules of general application as, for instance, how many times a youth should be placed on probation, or as to what particular type of institutional treatment is the most suitable, or how long that treatment should last. Individual prescription in each separate case is essential. This principle has been recognized now in our Courts of Law, and although there is still a certain degree of misdirection from the Bench as to the proper destination of the culprit, it may fairly be said that every provision has been made in recent years for dealing with each case on its merits.

As to the precaution which is now invariably taken to make the most meticulous inquiries into the history, physical and moral, and circumstances of erring youth, nothing has contributed more to ameliorate methods of the treatment of crime. Mrs. le Mesurier, who herself for many years has taken a leading part in this all-important work, has provided for our instruction, in her admirable treatise on boys in trouble, some vivid pictures illustrating this essential aspect of the treatment of young delinquents. The analogy of a doctor and a patient is a perfect one. No doctor would attempt to prescribe for one under medical treatment without making similar inquiries. If he neglected to do so he would risk making the same blunders with the invalid as the State through its negligence has, in less enlightened days, made with the criminal.

The problem of adolescence, that discordant prelude to maturity, is perhaps one of the most complex and difficult of all to negotiate. Until quite recent times the problems associated with sex were for various reasons, but more especially because the Victorians regarded the whole subject as distasteful and prurient, completely

THE PROBLEM OF SEX

ignored and left to solve themselves, if indeed solution were thought possible. The fatal misconception that the withholding from youth essential instruction in its complexities served the interests of morality, the refusal of authority to recognize the importance of the study of the problem in all its aspects wrought immeasurable harm and postponed those discoveries indispensable to the successful treatment of youthful delinquency. Discoveries contributed by duly qualified practitioners working within the prisons and institutions have been of inestimable value in this connection. Moreover, to whatever extent some of us may differ from them in particulars we must all acknowledge that in broad general principles we owe a great debt to Freud and the psychoanalysts, who have not only revealed much of value that before their researches lay hidden, but suggested for those disorders of the mind traceable to adolescence, remedies the merit of which has been definitely proven.

There is no doubt that there still remains buried a vast store of knowledge on the subject waiting to be mined. New seams stretching far and wide are perpetually being opened up by the perseverance of the investigator. Material is constantly being brought to the surface of utility to the framers of the new systems.

As an example of how the phenomenon operates in a disguise too impenetrable to have been suspected by previous generations it has been discovered that certain criminal tendencies and actions which superficially appear to have no connection whatever with sex can be traced to that cause. Certain attitudes of mind, call them perverted if you will, can be explained as manifestations of adolescence. Although it is easy for the amateur student of psychology to find himself out of his depth if he pursues the subject to such lengths as this, there are

THE PURGING OF THE SOIL

various aspects of the question which hardly need an expert to appreciate.

Adolescence reacts unfavourably in varying degrees upon different individuals. It exercises different influences upon what appear to be two youths of the same type. It may be said as a general rule that it produces a certain instability which rarely leaves the subject without some modification of temperament, although it is very easy to exaggerate its mischievous effects in the majority of cases. In many instances any evil result is hardly noticeable. But contrary to some preconceived views on this subject the storm often breaks with greater havoc upon the weak than upon the robust. Strong sex instincts frequently reside in the most miserable of human frames while those of normal or superior physical health and strength are often singularly immune from the distresses and anxieties associated with them. Adolescence is, of course, with all a period of physical change, and in certain cases under certain conditions the change may produce dangerous results upon the mentality of the victim. But it is all to the good that these discoveries have been made and that its reactions are now definitely taken into account in the treatment of the young offender.

Imprisonment, with its frustration of natural desires, of necessity involves the operation of inhibitions which may in some produce deplorable consequences. A youth incarcerated during the most exuberant period of human existence, without any outlet for his physical energy beyond what is distasteful to him, is obviously called upon to exercise a very considerable measure of moral self-restraint. When the Borstal system was first adopted the broad general principle upon which it was based was that it was preferable for a boy who showed signs of persistent offending to undergo a long period of detention in an institution resembling a school, with

D A N G E R S O F S E G R E G A T I O N

reform rather than punishment as its objective, than to serve a short term in prison which, while essentially punitive in character, would not be sufficient to effect any other result than an undesirable familiarity with its contaminating influences. But the conditions of a school cannot be faithfully reproduced in a Borstal institution. It is true that the boy at a public school who approximates to the Borstal boy in age has three or more years under strict discipline and control, and while at school is segregated from the opposite sex, but at any rate in his case he spends a considerable portion of the year in comparative freedom under perfectly natural and normal conditions, while the Borstal boy has no vacation and is living throughout the term of his sentence under circumstances which cannot be described as either normal or natural. Moreover, from the nature of his case his standards of virtue and morality are not very exacting, his sex inclinations when he was at large were probably not under any very strict control. Even before the Borstal age was raised many of them were in the Institutions at a period of life when under normal circumstances they would have married. Some are married. Yet those who serve the full sentence are for three years segregated entirely from the opposite sex. On the other hand it is quite true that with a large number of young men any period of institutional training less than three years is not sufficient to produce the desired improvement, and it is also true that for a certain proportion of them the dangers alluded to above are not considerable. One solution of this complex problem is to prescribe a more intensified training in a shorter period of time. Such an experiment is in process of being tested, but only for a carefully selected type of youth that is capable of reacting favourably to its vigorous standards, both physical and moral, a type which may prove to be a very

THE PURGING OF THE SOIL

limited one indeed. Admittedly exaggeration in these matters of sex must be avoided. There is, of course, an appreciable number of youths who are capable of exercising self-restraint and for whom grave danger need not be feared in this respect—but the problem still stands.

Few considerations are more important in determining the treatment of juvenile or indeed any kind of delinquency than the fixing of a proper standard of values in crime. But by the same token there are few matters more highly controversial or upon which those best qualified to express a considered view are more in disagreement. I was privileged in my youth to act in the capacity of Judge's Marshal to the late Lord Mersey—then Mr. Justice Bigham—during Assizes on the North-Eastern Circuit. I suppose that rarely has a more fair-minded or tender-hearted man dispensed justice in a criminal court. On one occasion, entering his private room at Newcastle, I found him in earnest conversation with a man whom he had that morning sentenced. He explained to me afterwards that there seemed to be something in the demeanour of this individual which called for such a proceeding on his part. With a Judge so sympathetic I was surprised therefore when, on a subsequent occasion, he expressed the view that he considered crimes of violence the most reprehensible breaches of the law. It seemed to me that this wise and humane Judge had established for himself an unaccountable standard of values. I ventured to suggest that a crime of violence, committed probably in the majority of cases at a time when the criminal was hardly conscious of his action, in the heat of passion, of jealousy or of hate, without any premeditation whatsoever, was hardly comparable with the deliberate corruption of youth, the training of young men in crime over a long period of years which is part of the stock-in-trade of the receiver of stolen goods, or with

VARIOUS CRIMES COMPARED

the vile arts of the blackmailer, who for his own profit sets out to destroy the career and character of an innocent and virtuous fellow-citizen, or with one of those devastating City frauds ingeniously planned with the full knowledge and intention that the risk shall be taken by those who are ignorant of the wiles of the company promoter and who cannot afford to run the risk involved. No doubt in old days the physical safety of the public was a consideration of more importance than its moral welfare, and therefore crimes of violence, murder and assault were adjudged the most detrimental to the community. But our forbears failed to appreciate that even the murder of an individual cannot do so much harm to the community as the corruption of one of its members by another. Broadly speaking, I am disposed to believe that our standard of values in the matter of crime should be established not so much by the particular nature of the crime as by whether it was carefully premeditated and whether the criminal is persistent in his criminal actions or merely the victim of a sudden overwhelming obsession. In the first place such a standard would be of far more value in determining the nature of the treatment of the criminal, and in the second place it would be a much more effective safeguard for the security and safety of the general public. Although in a measure this is the recognized criterion, I believe that the standard of values indicated by the code of our laws and the sentences passed in recent cases leaves room for considerable revision. Many still endure long terms of imprisonment whose transgressions are not so reprehensible or so detrimental to the community as those committed by criminals with whom the law has dealt much more leniently. In the boys' prisons perhaps the standard of values is more nearly allied to common sense than elsewhere.

THE PURGING OF THE SOIL

That reformation is the most essential feature of our prison system is perhaps the most important discovery of all. Reformation, it goes without saying, is much easier to effect in the first offender than in one habituated to crime. It is for that reason that the process is more successful in the boys' institutions than in convict prisons. From all that has preceded in these pages dealing with the prison system both in the eighteenth century and most of the nineteenth century it is obvious that reformation was not only left out of account but rendered impossible by an unscientific and neglectful administration. This discovery is closely allied to another I have mentioned in a previous paragraph, namely, that the personnel of the staff in whose hands the process of regeneration is conducted must be appropriate for the task. Not so long ago governorships of prisons and posts of a lower grade in the prison service were regarded as honourable retirement for those who had acquitted themselves well in professions which were not even remotely connected with the treatment of offenders, instead of being regarded as posts of a highly specialized and onerous character. If this consideration is important in the case of convict prisons it is infinitely more so in the case of every kind of institution which deals with the young offender. Provided that it is possible to secure the individual who combines in himself all the essential qualities that are needed, it is obvious that the success of your reforming system is thereby rendered the more certain. In Borstal Institutions it is all to the good to man your staff if possible with those who have not forgotten the days of their youth, and are still mindful of the dangers of a dangerous period of human existence and who can readily sympathize with and assist those who have yielded to them. Nevertheless, a knowledge of the world is one of the essential qualifications, and that is not

A F T E R C A R E

always in the possession of a young man. That there are now many directing the Institutions who combine the essential attributes is a gratifying fact. It is a noble calling, the reformation of erring youth, and the value to the community of the results so achieved is beyond estimate.

There comes, then, the question of after care, equally important as treatment during the period of detention. Until the Borstal system became part of the general administration, after care was left to such voluntary associations as the Discharged Prisoners' Aid Society and others which have rendered such signal service to mankind within the limits set to them, but now, after care is on a more regular footing. When a boy is discharged, he is out on licence to the Borstal Association for a year after the full term of his sentence has expired, liable to have his licence revoked and sent to the Boys' Section at Wandsworth Prison in the event of his not fulfilling the conditions imposed upon him. During this first period of his freedom he is rendered assistance in a variety of ways by the local Associate. It is a system which certainly has a remarkable record of success to its credit. It yet has its failures, which are carefully studied by those who are interested in reducing them. The causes of failure, after we have discounted those who would fail, whatever system was employed on their behalf, are various, but it may well be that the sudden transition from detention to freedom is one of the most potent. The change from institutional life to ordinary conditions outside is indeed an abrupt one. This circumstance has, of course, been taken into consideration by the authorities concerned, and experiments are now being tried out with those who are due to be discharged in a few weeks' time by endeavouring to approximate as far as possible conditions inside the Institution during the final stages of his training, to conditions outside. But

THE PURGING OF THE SOIL

here we are met with an insoluble difficulty. There are certain conditions inside the Institution which are completely dissimilar to those outside, and which, try as you may, cannot be eliminated. The first is the boy's constant association with a large number of cheerful companions in not altogether unpleasant surroundings. Many ex-Borstal boys complain of loneliness and even of nostalgia on regaining their freedom. The second is the perpetual and careful supervision exercised over him by those responsible for his reclamation. The Associate cannot possibly maintain the same superintendence over his goings in and his comings out which he experienced while he was in the Institution. The third is regular employment, with no danger of unemployment, which cannot be guaranteed to him when he goes out into the great world. The fourth is his complete immunity from all gambling, prostitutes, and a variety of the temptations which he encounters the moment that he leaves. The new-found freedom to indulge in amenities, whether wholesome or unwholesome, certainly all of them expensive, often induces the boy to steal in order to afford their enjoyment. We cannot then resist the conclusion that it is not possible inside the Institution to prepare boys adequately for the disconcerting contrast which their enlargement will present. Would it not be legitimate to canvass the idea of making some better provision against this abrupt change of circumstances which he experiences when he leaves the Institution? Would it not be possible to establish for these boys a buffer state in between prison and freedom? I have already spoken of one of the dangers of the three years' sentence. Could not this alone be obviated by assigning for them in the first instance a shorter period of more intensified training in the Institution? The "buffer state" might be made in some fashion to resemble

PRISON THE LAST RESOURCE

camp life, always a wholesome influence with boys ; their employment would be principally upon works of public utility, not necessarily in juxtaposition to the camp, and they would be brought as much as possible into contact with other of their fellow creatures and with normal conditions outside, with all the paraphernalia of wages, insurance and other incidents of an ordinary citizen's life. Home leave might be liberally conceded.

I have also mentioned the discovery that prison for the young is the worst of all expedients and the most unlikely to effect a cure, and that the boys' acquaintance with it should be postponed until all the other numerous devices have been tried. The preferable alternatives now in operation are the Home Office schools, which are the modern development of the old reformatories, the system of probation, the Borstal Institutions already mentioned, the age limit of which has been raised three years, and the appropriate homes which are to-day provided for those on remand. But it does not always happen that a persistent young offender necessarily goes through all or any of these processes. Youths under twenty-one are still sent to prison, and it yet remains in the discretion of the Court to decide upon the destination which is considered most appropriate to each individual case.

While everyone is agreed that prison should be the last resource, it must be understood that the alternatives are still in an experimental stage, and that statistics regarding them are not in every case encouraging. It cannot be denied that all these new experiments have not succeeded, or that they have succeeded with some individuals and failed with others. But, as in scientific experiments so with these—you have to persevere by trial and error until a satisfactory result is obtained. I am inclined to think that progress is being unnecessarily delayed by a

THE PURGING OF THE SOIL

reluctance to discard or modify any of the new expedients which have failed for fear of incurring the reproach that such a step would appear to be reactionary. There can be no greater misconception. To demolish what is defective or unsuccessful is not a reactionary process. If, for instance, we have come to the conclusion that raising the age of the children's court has not decreased crime and that boys of between sixteen and seventeen merely hold its procedure in contempt, there is nothing reactionary in rescinding such a provision. I see no merit in failure even if your system that fails is in its nature progressive. Because an advance in one direction fails to lead to the desired objective that does not mean that we need retreat back to where we started and remain there disconsolate. We may still advance, although to another point of the compass, and that we shall probably discover to be our most prudent course.

Finally there are the numerous discoveries as to the conduct of the institutions which deal with juvenile delinquency. Fresh discoveries of this description are constantly being made. The systems are not static. By long experience and patient investigation definite guiding principles are being evolved. The crude and ill-informed criticisms which are still levelled at the Borstal system from various quarters are for the most part either manifestly out of date and refer to errors made perhaps twenty-five years ago and which have long since been rectified, or are devoid of any connection with established facts. No one who has not had a constant association with these Institutions can perhaps fully appreciate how silly and obsolete these criticisms are.

Before quitting the subject of juvenile delinquency some reference must be made to the controversy which has recently arisen in the Press and elsewhere on its apparent increase. There may be some justification for a

INCREASE OF JUVENILE CRIME

suspicion in the minds of those who have but a superficial knowledge of the working of the new systems that this increase may be traced to their operation. But due reflection, I think, will dispel these misgivings. While no one claims that all the new experiments have yet justified themselves or that they are infallible, and while it may be true that a very small proportion of this increase is in some measure attributable to certain experiments which have failed, there can be little doubt that if we discarded all the new methods and reverted to that age of moral obliquity treated of in the second chapter, juvenile crime would increase by leaps and bounds. No one could with reason maintain that all the latest developments in our social life accrue exclusively to the benefit of the race. We must investigate them with impartiality to determine if they have contributed to the increase of crime among youthful citizens.

While in the second chapter I invited the reader to examine the causes which operated to increase crime in the eighteenth century, many of which have now been eliminated, I would equally invite the reader to examine a new set of causes which operate to increase crime in the twentieth. One of these new causes is undoubtedly the fact that the amenities of life have prodigiously increased, and a much larger section of the community with indeed some degree of justification regards it as a right to share in those amenities. But they are expensive, and while wages have not increased in the same proportion the wage-earner nevertheless demands an increasing participation in their enjoyment. If the wherewithal to pay for their share cannot be met entirely out of honestly earned wages there is a great temptation to increase purchasing power by less legitimate means. A youth steals a bicycle and sells it for a few shillings. He does not steal for the sake of stealing ; he does not steal the bicycle for its use

THE PURGING OF THE SOIL

as a bicycle. He is in need of a few shillings to indulge his taste in amusements, either legitimate or illegitimate. While there is nothing new in such a crime or such an object for a crime the temptation is far more potent to-day than when there were fewer occasions to spend money in the pursuit of pleasures. Although this consideration might appear to conflict with an earlier statement I have made to the effect that the increase of amenities should save youth from crime, I believe that fairer wages should readjust the balance of my argument.

Let us adduce the analogy of Jack Sheppard once again. Had he and Edgeworth Bess lived in the twentieth century instead of the eighteenth the temptations presented to both would have been infinitely more expensive although no doubt infinitely more respectable. The "flash-house" in all probability supplied quite sufficient needs for their entertainment. There are no "flash-houses" to-day, and if there were they would merely form one item in the daily round of social amenities. Edgeworth Bess, had she lived in our own times, would have required her lover to take her to the cinema or to a dance hall several times a week, and in the holidays to Southend. If Jack Sheppard failed to-day to take advantage of the many opportunities for reform and had remained an idle apprentice, which I still reserve to myself the right to doubt, there would have been even more pressing necessity than there was of old for him to rob his employer's till.

I believe this to be a very widespread cause of the present increase of crime among adolescents. Another tributary flowing into the main stream of causes is a noticeable decrease of parental control and parental responsibility. In this connection there is reason to suppose the new methods of treatment have not acted favourably. They certainly tend to relieve the parent of

LACK OF PARENTAL CONTROL

responsibility, but that is not the whole story. In all ranks of society, even in those where the State's interference is negligible, there is a very appreciable decline of parental control and a consequent increase of independence in the young of both sexes. It is a matter of controversy as to what this phenomenon is due. Some will contend that it is one of the aftermaths of the Great War, during which the younger generation, having had more responsibility thrown on its shoulders than ever before and less control at home, shook itself free from the shackles of convention and claimed the right to think and to act on its own initiative, and to take nothing for granted. Whatever the reason, the younger generation is more independent than ever before, and this freedom has its detrimental aspect in being one of the contributory factors to the increase of juvenile crime. I would add that, in this connection, I have, for many years, been afforded the opportunity of examining the officially compiled histories of Borstal boys. As a result of these researches I am impressed with the high percentage of these boys whose parentage is defective—either the marriage tie does not exist at all or is so loose as to demoralize the household, a severe commentary on a growing social evil.

Unemployment, which has never appeared in so devastating a form or upon so extensive a scale as during the last decade of our domestic history, must be held in part accountable for the same phenomenon. While its share in the responsibility is unquestionable it has exercised a detrimental influence in various ways, some obvious and some insidious. Unemployment rarely fails to produce in a young man who genuinely wants to work an anti-social complex. Disillusioned, he protests that there must be something defective in a system which deprives him of one of the most elementary rights of

THE PURGING OF THE SOIL

citizenship, the right to labour for his own living and for the good of the community. As a result he ceases to regard himself as under any obligation to society in general or to the laws imposed by it. He may not think the matter out in so logical or so definite a form, but these are his subconscious promptings which move him to disregard those restrictions to which under normal conditions he would willingly submit.

Then there is the disastrous and sometimes permanent effect of unemployment that is produced upon those youths who from the time they leave school have never been in work, or who have been so infrequently employed that they have had neither sufficient occasion nor opportunity to acquire habits of industry and self-discipline. They are perhaps the most vulnerable when assailed by the overwhelming temptations of an aimless existence.

Not the least deleterious effect is the general depression of spirits and even in some cases the detriment to health produced by enforced idleness, which leaves the sufferer with none too much strength to resist temptations which under healthier conditions he would have no difficulty in subduing.

Finally there is the mechanical contrivance which seems to have become almost part and parcel of human existence and to which has been attributed a share of the malignant influences operating upon the behaviour of our youth to-day. Its intrusion upon our daily lives is almost universal. There is hardly a by-street in any city of the world where it fails to hold a very distorting mirror up to nature. It is true that a number of reformers whose enthusiasm outruns their discretion, indict the cinema as responsible for the recent disturbing increase of depravity in the adolescent. But the probabilities are that its influence either for good or for ill is uncon-

THE CINEMA

scionably exaggerated. Although I may be ranging myself against the experts in psychology I remain sceptical of its power. I am well aware, from personal experience, that many young men who find themselves in the police court are only too ready, when given any encouragement, to impute the blame for their predicament to the Hollywood hierarchy, but they are usually of the type that is prepared to trace it to anyone, or to anything rather than to the true source and origin, namely, their own innate selfishness. I would certainly always favour a most sedulous supervision being exercised by a censoring authority over the abominations that reach us from American film studios, so that it may be assured that any corrupting constituents should be completely eliminated, but I am still of the opinion that it is not reasonable to contend that the cinema has occasioned any very considerable decline of moral standards in the young.

I have endeavoured to enumerate and to analyse the various causes, some potent and others less so, to account for a phenomenon which must give those who have the future welfare of the nation at heart, grave concern. We observe that as we eliminate one cause of crime too often another appears in its stead from an unsuspected source, but at least to-day we have an alert and vigilant administration ever watchful against these spiritual enemies of youth, and alert to devise expedients by which their evil influence may be counteracted.

But there is a broader side to the question, one so highly controversial that it needs considerable temerity even to refer to it in the vaguest terms. The education of youth in this country is tending to become increasingly materialistic. The influence of religion in schools is daily declining. I am well aware that to make sweeping generalizations to the effect that the Churches have lost their hold upon the community is to challenge the ques-

THE PURGING OF THE SOIL

tion as to what precisely is meant by such an expression of view. In this country there are many religious denominations. The various churches exercise influence in various ways and in varying degrees in various parts of the British Isles. A generalization that might accurately apply to the home counties would be totally inappropriate for Wales or the North of England. Equally, where one religious sect has failed another has succeeded.

I suppose, that in the aggregate the religious-minded members of the community can be divided between those who accept authority and tradition unquestioned, and whose institutions cannot be modified or changed, and those who have much wider latitude in their choice of what they will accept and what they will not, and whose religious views have become so broad, so abstract and so unorthodox, they are scarcely intelligible views at all. It is the children of the latter who form the large majority of the school population, but taking all sides of the problem into due consideration there can be no doubt whatever that spiritual influences have failed to keep pace with the exigencies of a rapid industrial development, and that the religious side of the education of youth in this country is swiftly being superseded by a purely utilitarian and mundane training. A very large percentage of teachers in the state-aided schools no doubt console themselves with the reflection that it is possible to inculcate a high ethical standard in the young without the aid or the basis of any dogmatic religious teaching, although statistics, whatever their value may be to anyone else, are certainly not conspicuously on their side. Twenty-six per cent. of the indictable offences in the year 1935 were committed by persons under seventeen years of age. A percentage of these doubtless passed through the Church Schools, but this distressing evidence of juvenile

THE RELIGIOUS PROBLEM

depravity hardly goes to prove that the youth of to-day is absorbing high ethical standards through the medium of rationalistic teaching. Others will assure us that it is quite fallacious to imagine that adequate religious instruction is not given in Council Schools. In reply I range myself on the side of those who hold that a perfunctory Bible reading conducted by those who but for an inadequate course at a normal college or elsewhere have no specific qualification to teach religion, or by those definitely hostile to religion, is at its best a waste of time and at its worst merely a source of bewilderment to the pupil. In any case, the ignorance about all matters religious displayed by the average youth educated at any of the elementary Council Schools of the Metropolis is truly remarkable and authorizes us to question the conviction of those who persuade themselves that there is any religious instruction given to them which is of efficacy or value.

Some well-intentioned persons are under what I regard as an illusion that the voluntary associations can take the place of or can at any rate supplement the Churches and the Schools in the function of religious instruction, and advocate that services should be habitually held in clubs, community centres, and other headquarters of social or athletic activities. But this leaves out of account the fact that voluntary associations cannot undertake the essential religious instruction. Moreover, many of them are undenominational, and many of them are exclusively recreative and athletic, and their staffs and daily activities are inappropriate for the purpose. I should have thought that the Churches are the proper places for religious services, the clergy of all denominations the proper teachers of religion, and, failing facilities for instruction in the home, admittedly the most desirable seminary for that purpose, the class-room the proper

THE PURGING OF THE SOIL

place for its instruction. Unless a youth has been properly grounded in religion by those best qualified to instruct, a religious service will not have very much significance for him, and the fact that it is held in his club instead of, more appropriately, in a Church, will not aid him to understand what he is doing and saying. The most that the voluntary associations can do on the spiritual side, always agreed that "stunts" and hysterical revivals are valueless, is to set a high ideal before youth to which youth will inevitably respond if some spiritual training has been previously inculcated, but the majority of the youth of this country are being brought up without religion of any kind. Whatever else the effect may be of this prevalent indifference to things spiritual, I say without scruple or hesitation that I believe this to be one of the causes of the increase of juvenile crime.

The Churches are for ever animadverting upon the want of religious zeal in the youth of the country to-day. How far this estimate can be substantiated it is not easy to determine. It is fair to suggest, however, that the average youth of to-day takes nothing for granted, refuses to submit to any restraint which he feels is of no concrete value to himself, and that he finds religious practices for the most part unattractive, anachronistic and monotonous. There is in fact a general insurgence amongst the new generation against customs and practices that are considered inappropriate to the exigencies of the modern fashion of living. But is the matter just to rest there? Is it really the case that youth to-day is exclusively material in his make-up. Does this frigid latitudinarianism provide for all his spiritual necessities? Is it religion or is it certain institutions of religion that he discards? Not long since there was a sufficiently strong recognition in the Established Church of the failure of institutionalism to meet modern needs for the promotion

THE PERSISTENT OFFENDER

of legislation to revise its 300-year-old prayer book. It may well be that if some anxiety were evinced to adjust religious practices rather more to contemporary needs and predilections a ready response would be evoked. It is a significant fact that in the fold of the Established Church recent statistics demonstrate that while there has been a considerable decrease in attendance at Matins there has been a considerable increase in the number of communicants.

I refuse to believe that youth to-day is purely materialistic in its outlook. But is there no alternative for the rising generation than the religious teaching of our fathers and the bleak materialism of Herbert Spencer and John Stuart Mill? Surely somewhere between these two extremes stretches a golden road for youth to tread.

There remains to be discussed the most baffling of the whole range of problems relating to the treatment of the criminal, one which was not seriously negotiated with until recent years and which to a large extent even now frustrates the ingenuity of the expert—that of the persistent and hardened offender. To remove as far as possible the main causes of crime and to save the novice from developing into a systematic criminal both serve to reduce the problem to reasonable proportions, but we may be sure that we shall never eliminate it altogether. The persistent offender will always be with us, a burden to himself and the community which must be protected from his anti-social conduct.

In the first instance there is, apart from the young men who are still sent to prison who ought not to go there, an intermediate type between the young offender and the hardened criminal—one whose case is inappropriate for a Borstal sentence but who are sufficiently malleable for a modified Borstal treatment in the prison for which they are sent. The Commissioners have exercised a

THE PURGING OF THE SOIL

considerable amount of ingenuity with a considerable degree of success in their case, but compared with that of the persistent *old* offender it is one which presents no very formidable difficulty.

As to the treatment of the persistent old offender, for a proper investigation we must retrace our steps to the commencement of the previous century. The failure of Sir George Grey's scheme of the enforced emigration of released convicts in whom a cure was presumed to have been effected has been noted in a previous chapter. It has also been recorded how his ticket-of-leave system failed owing to the fact that there was not sufficient supervision exercised over these enlarged convicts. We have also noted how Committee after Committee on prison discipline sat and deliberated with little success in securing general uniformity in the conduct of British prisons. But it must not be inferred that Sir George Grey's long administration at the Home Office produced no tangible results. That would be doing less than justice to this quiet, unassuming individual who had no other ambition than to leave his country better than he found it and in particular to improve the prison administration. He belongs to that long line of modest public men who sacrificed so much for their fellow-citizens without recognition or recompense and who surely deserve to be commemorated in more generous measure by posterity than a certain meretricious order of individual which seems to establish a stronger hold upon the imagination of mankind.

Until Lord John Russell, one of the few Prime Ministers who had hitherto concerned himself with the problems of crime and its cure, appointed Sir George Grey as Home Secretary it was hardly to be supposed that Government which had failed quite completely to appreciate the claims of youth upon its solicitude would be

TREATMENT OF CONVICTS

likely to find a specific which would cure the old offender of his persistent transgression. But when Sir George Grey entered upon office the executive was at length aroused to some sense of its responsibility. To his credit, among other salutary amendments of the criminal code, stands the Convict Discipline Bill, which substituted for transportation abroad the employment of convicts upon public works at home.

It would be a tedious process to follow the gradual, the very gradual, development of those methods which have improved the convict prisons in this country and have opened up some prospect of amendment to the hardened criminal, but a few general words in summary may be set before the reader.

When the control of all the prisons of this country passed into the hands of the Commissioners there was initiated that long series of administrative reforms which continues to be supplemented to this day. Difficult as the problem of the persistent offender always has been, and still remains, gradually methods are being evolved which although they cannot be expected to provide an infallible solution have certainly done much to break the spell of despondency and resignation which holds him in its thrall.

The first edition of penal servitude was probably not sufficiently deterrent. That was the official view at the time of its adoption. Accordingly sentences were lengthened, dietaries were diminished and the mark system, the outcome of Sir Joshua Jebb's progressive stage principle, was introduced, by which every convict was enabled to earn remission by his individual industry. It was not, however, until the year 1880, after Lord Kimberley's Commission had reported, that there was any real attempt to segregate from each other those versed in crime, first offenders and those yet presumed

THE PURGING OF THE SOIL

innocent. At that date was introduced the formation of a special class dissociated from the hardened veteran in crime. Apprehension, however, existed in the mind of the public that individual attention to the prisoner was being prejudiced by the over-emphasis upon uniformity. A Committee of Inquiry reported that prisoners were treated as worthless and hopeless. The result was the Prison Act of 1898 by which the Secretary of State was empowered to make rules for the administration of the prisons and a triple division of offenders was instituted.

Although the Act of 1898 laid greater stress upon the necessity of segregation there was still far too much imprisonment for misconduct which cannot be categorized as criminal, for example breaches of municipal by-laws and regulations. In the nineties as a result there were fifty-six local prisons.

In 1904 there was a new classification instituted, the Star Class, the intermediate who had not necessarily offended before but who were considered for various reasons unsatisfactory, and the recidivist.

But it is perhaps in the last twenty-five years that the most important changes have taken place. Apart from the supremely important remedial measures dealing with the young offender already alluded to, that period was responsible for the introduction of the Prevention of Crime Act 1908 which created the system of preventive detention and the Criminal Justice Act of 1914 which has more than any other act solved the problem of the habitual offender.

An extract from the Commissioners' annual report for 1922-3 best describes the new spirit actuating those who administer our prison system :

It is not to make prison pleasant, but to construct a system of training such as will fit the prisoner to re-enter the world as a citizen. To this end the first requisite is greater activity of

CLASSIFICATION OF CRIMINALS

mind and body and the creation of habits of sustained industry. Longer hours of work are therefore the first item in our programme. Next comes the removal of any features of unnecessary degradation in prison life and the promotion of self-respect and education on broad lines calculated to arouse some intelligent interest and to raise the mind out of a sordid circle of selfish broodings. Finally we endeavour to awaken some sense of personal responsibility by the gradual and cautious introduction of methods of limited trust. Each separate measure is a part of the whole scheme.

Owing to these enlightened methods, together with the probation system, the new Act dealing with the payment of fines, the raising of the age of committal to prison, the decrease of drunkenness and the riddance from the prisons of the feeble-minded, the prison population has so much decreased that the number of local prisons has fallen from fifty-six in 1910 to twenty-six to-day, and the annual receptions during the same period have decreased to a third of the original number.

Classification, the most important consideration of all, is now carried out on the most rational principle. The establishment of the Borstal Institutions is the most conspicuous example of successful classification. Not only does the Borstal system connote the segregation of young offenders from the hardened, but each of the seven institutions for boys is classified for different types of lad. Difficult as classification is in prison itself, Wormwood Scrubbs on the adult side has been reserved since 1925 for star class prisoners from the Metropolitan area, Wakefield since 1923 for selected prisoners from the Midlands and North, and Chelmsford since 1931 for younger convicts up to the age of thirty. Young recidivists between the ages of twenty-one and twenty-five now form a special class at all local prisons. All male prisoners from sixteen to twenty-one with sentences

THE PURGING OF THE SOIL

over one month are now collected and treated at six collecting centres, but it is to be hoped that the time is not far distant when no youth under 21 will see the inside of a prison wall.

In taking a survey of this long and painful history of the treatment of the criminal in England, which I have epitomized all too inadequately, certain of its features stand out clear cut and conspicuous. It is abundantly evident that until comparatively recent times the State failed to regard it as a primary obligation of government to interfere either with the conditions that made the criminal or to exercise any vigilance over the administration of institutions which provided for the criminal when he was made. It is also obvious that until comparatively recent times public interest failed to be aroused in those measures of social improvement which now form the staple ingredients of our domestic legislation.

This callous indifference of government to so essential a service can be attributed to the fact that during the period of which this work treats its personnel was recruited from what used not inaptly to be termed the governing classes, who were completely out of touch with and ignorant of the conditions in which the so-called lower orders lived and had their being. The "governing classes" monopolized the wealth of the nation and consequently the amenities of life. Patrician and plebeian lived a completely separate existence. The contrast presented between the two was so striking, the difference of circumstances between the opulent and the indigent was so much to the advantage of the former and so little to the profit of the latter that it is difficult to appreciate why those who toiled did not take the initiative earlier than they did and assail a system by which the fruits of their labour were almost a complete monopoly of those who employed them.

THE INACTION OF GOVERNMENT

This phenomenon can only be accounted for by the fact that the abject condition of ignorance in which they were retained rendered them incapable of developing their critical faculties. Nor was it the statesmen and the politicians who were instrumental in inaugurating any change for the better or in breaking down the barriers which concealed from their view the execrable conditions which the great mass of the people were compelled to endure. We scan in vain the official reports for evidence that Parliament exhibited any symptoms of taking a lively interest in the welfare of the working population. The statesmen of the eighteenth century were serenely established upon Olympian heights above the clouds that obscured the struggling world beneath them. In the Senate the palm, as it often does to-day, went to the dialectician and the orator who, for all their elaborate periods and skill in the tourney of debate, achieved far less of benefit to their fellow-beings than those who unostentatiously went about the work of human regeneration. The whole scheme of government in those days was based upon a narrow and inadequate conception of the requirements of a rapidly developing industrial people.

While we have seen that the reformers, most of whom were drawn from the upper classes, did much to draw the attention of government to the need for drastic action, it is doubtful if they could have effected any abiding reform unless public resentment had been aroused. The Churches during the eighteenth century were for the most part too stagnant, too barren in resource or, where enthusiastic, too much occupied with theological controversy to take a leading part in social reform. They misread the signs in the heavens. Even in the nineteenth century a famous divine confessed that he regarded the poor as fit objects for compassion and

THE PURGING OF THE SOIL

benevolence. Presumably he conceived that they had been brought into this world for the express purpose of giving to the rich the satisfaction of salving their consciences with the dispensing of charity to the poor. It never seemed to have occurred for one moment to disciples of this particular school of thought that the objects of their misplaced and futile benevolence were citizens claiming equal rights with their wealthier fellows, that their dependence upon the patronage and condescension of others was no solution but rather an aggravation of their miserable lot in life. To be merely the recipients of charitable distribution and the commiseration of the well to do was not the rôle the average decent working man had any wish to affect. Until better relations could be established between capital and labour, until there was co-operation between class and class, until there was some assurance given to the worker that he would be entitled to claim his proper share of the profits of his labour, until it could be realized that independence of eleemosynary effort was the goal to be aimed at no fundamental reform could be effected.

While it is difficult to assess the comparative value of contributions made towards reform, it was unquestionably the novelists of the Victorian era that first made the well-to-do public familiar with the conditions in which the poor lived, and who roused both governors and governed to a sense of their respective responsibilities and mutual obligations.

Then the Press emerged into the field, and by those somewhat sensational methods which may not have proved edifying to the fastidious, at least achieved the desirable result of bringing into focus and riveting public attention upon those social evils that were rapidly making us a reproach to the whole world. Reform by this means became the main preoccupation of

THE LEAD OF THE UNIVERSITIES

the philanthropist and the dominant issue in Parliament. The survey undertaken by Charles Booth and his collaborators made a very wide public familiar with circumstances which had hitherto been hidden under a bushel. The immediate effect was an outbreak of charity, a great deal of it indiscriminate, most of it detrimental, on the part of ignorant but well-meaning persons whose nerves had been played upon and whose emotions had been excited by these disturbing revelations. This unbalancing of popular judgment was redressed by the liberalizing study and excellent leadership of the universities which, although the tangible results of their schemes may not have been commensurate with the enthusiasm which they inspired, certainly directed men's minds into the right and proper channels. The conclusions to which they were drawn were in the first place that charity was not the cure for these organic social evils, and that regeneration could only be accomplished by altering the conditions of living and by the enrichment of the drab lives of the working classes. By degrees the greatest discovery of all was made, namely, that the vast majority of those who had hitherto been classified as criminals were nothing of the sort, and that many who had lived evil lives were not so guilty as those responsible for the terrible conditions in which they lived, and with this discovery there was revealed the all-important fact that the needs and necessities of the youth of the nation must be the first responsibility of government.

Reform followed reform in prison administration as the new ideas possessed the imaginations and directed the energies of those charged with the responsibility. We witness to-day a revolution so complete in the treatment of the young offender that misgivings have arisen as to the effect of experiments which in the view of some

THE PURGING OF THE SOIL

critics err on the side of leniency. A very plausible argument is often advanced that so much effort and attention is being bestowed upon the malefactor as to place him in a position of advantage over those "just persons that need no repentance." Very little reflection will serve to dispel such an illusion. What is the alternative? Is it suggested we should return to the old unregenerate methods described in the earlier chapters of this work? Are the refining and restoring influences of the new system to be denied to the young offender in order that those who have been better endowed physically and intellectually should have a monopoly of human assets? If it is valid to take exception to the solicitude which is now being exercised in strengthening the weakest link in the chain then the whole system of education must come under review. An exact analogy can be adduced from every description of educational establishment. Surely it is a mere waste of time for a teacher to devote attention to a pupil who sails up to the head place in the school without effort on his part or assistance from any other human agency. The instructor would be better advised to confine his ministrations to those who need them, and the community will be the richer for his discretion. By the same token it is of supreme importance to the community itself that no effort should be spared upon the reclamation of the young offender. There can be no more dominant concern of government in the sphere of domestic administration than the eradication of crime. How egregiously our forbears failed to appreciate its significance it has been the purpose of these pages to demonstrate. How vital it is that the new methods should continue to be discriminately exercised and developed by those in whose hands authority is wielded, it has been the intention of the author to suggest.

FAVOURABLE CONDITIONS

The conditions are eminently favourable. The young man's way has been cleansed of much that made his journey through the world hazardous and insecure. His life has been enriched with opportunities designed to assist him in appreciating whatever is lovely and of good report and of discarding what is evil. His moral sense has been quickened and his spiritual necessities relieved by beneficent influences brought to bear upon him from his earliest hours. There is a finer adjustment of the balance of interests between class and class, employer and employed, governors and subjects, which effects a closer co-operation among all men for the common weal. There is far less hypocrisy and cant in the attitude of society towards its erring members who no longer are regarded as pariahs outside the pale of human sympathy, but rather as fit subjects for the regenerating process to which so many favourably react.

THE END

INDEX

Adolescents, 258, 270, 272, 277-84, 293
Army and Navy
 bad conditions in, 40
 corporal punishment in, 74
 recruitment by press gang, 1, 3
 evil results of, 2, 3, 40, 82

Bligh, Governor William, 180
Borstal system, 51, 272, 277-80, 293
Bridewells
 as "reformatories," 211
 evils existing in, 210, 212
 Fielding on, 205
 history of and abuses in, 204
 John Howard and, 204
 suggested reforms, 220

Burke, Edmund, eulogy of John Howard, 208
Burning at the stake, 144
 Blackstone on, 143

Buxton, Sir Thomas Fowell
 antecedents of, 248
 carried on work of Romilly, 93
 children in prison, 251
 conditions in Bristol prison, 251
 on the rights of prisoners, 249
 Prison Discipline Society, 248
 activities of, 249, 250

Cannibalism among escaped convicts, 188 *et seq.*

Capital offences
 coining, 144
 executions for, 81, 82
 forgery, 84, 85
 numerous, 6, 81
 stealing, 3
 witchcraft, 76

INDEX

Capital punishment
at Newgate, 145
for coining, 144
for stealing, 3, 143
inflicted on children, 82, 83
Mrs. Fry on, 236
Women burnt at the stake, 144

Chesterfield, Lord, 110

Child labour, attitude towards of Pitt the Younger, 16

Children
as thieves, 31
at public executions, 140
confined with lunatics, 224
corrupted by Jonathan Wild, 64
corruption of, 25, 34, 88, 108, 109, 145, 196, 199
drunkenness among, 25
hanged, 82
homeless, 34
in convict hulks, 158
in debtors' prisons, 88
in Newgate, 83, 108-10
in prison, 28, 33, 82
modern treatment of delinquents, 49

Borstal system, 51
morally corrupted in New South Wales, 196
in Newgate, 109, 111
Van Dieman's Land, 185

prostitution among, 27, 28, 34, 195

State neglect of, 33
whipped, 83

Colquhoun, James, 16, 17
condemns profligacy, 35
denounces receivers of stolen goods, 30
“flash-houses,” 27
non-deterrant effect of capital punishment, 138
on detection of crime, 68

Convict hulks, 156
condition of convicts in, 157 *et seq.*
depravity in, 157
labour and punishment in, 158
means of emigration, 158

Covent Garden Market
haunt of homeless destitute children, 34

Crime
adolescent instability of juvenile offenders, 270
Borstal system, 51, 272

I N D E X

Crime—*contd.*

- causes of
 - bad housing, 258, 262
 - effect on home life, 264
 - overcrowding due to, 263
- drunkenness, 264
 - causes which led to, 265
- Jeremy Bentham's investigations, 258
- poverty, 258, 264
- crimes of violence, 274
- Criminal Justice Act, 292
 - failure of State to deal with, 294
 - Charles Booth's survey, 297
 - churches indifferent to social reform, 295
 - reasons for, 294, 295, 297
- improved standard of living in relation to, 266
- increase favoured by public executions, 144
- juvenile, 266
 - causes of increase of
 - cinema, 284
 - declining influence of religion, 285
 - limits of voluntary effort, 287
 - unemployment, 283
 - various, 281, 282
 - Mrs. Le Mesurier and, 270
 - punishment linked with reform, 269
 - procedure, 270
 - reactions of sex, 272
 - treatment of, 267
- methods of treatment
 - Borstal system, 51, 272, 277 *et seq.*
 - Children's Courts, 279, 280
 - Home Office schools, 279
- old offenders
 - Convict Discipline Bill, 291
 - Sir George Grey's scheme, 290
- Prevention of Crime Act, 292
- principles of treatment, 267
- Prison Act of 1898, 292
- reformation main objective of prison system, 276
 - after care
 - Borstal system, 277, 279, 280, 293
 - its problems, 278
 - a solution? 278
 - characteristics needed in prison staff, 276
 - prison no cure, 279

INDEX

Crime—*contd.*

- reforms effecting a revolution, 297
- lessons to be drawn from, 298
- treatment of convicts
 - improvement in, 291
 - results of, 293
 - modern methods, 292
 - new classification, 292, 293
- true valuation of, 275
- young children in prison, 33

Criminal code

- ferocious application, 44, 71, 78, 79
 - caused increase in crime, 81
- lax administration, 68
- reform of, 6, 15

Darling, General, classifies prisoners in New South Wales, 182

Death sentences

- and dissection, 81
- no deterrent, 81
- numbers, 81
- upon children, 82, 83
- vindictive, 76

Debt, imprisonment for, 6, 212

- Edmund Burke on, 5
- Long sentences, 91
- Oglethorpe and, 225

Debtors' prisons

- "dummy" debtors in, 91
- Fleet prison, 36, 88
 - Illegal marriages in, 36
 - rapacity of wardens in, 88
- Food supply augmented by begging, 91
- Howard's visits to, 204-12
- Marshalsea, 90, 91
- Other debtors' prisons, 91
- savagery of law towards debtors, 87
- torture in, 91
- vile conditions in, 88

Distressed tradesmen as highwaymen, 38

Drunkenness, 18

- gin drinking a national danger, 19, 20, 21, 23
 - and immorality, 32
 - among children, 25
 - vast extent of, 25

I N D E X

Drunkenness—*contd.*

- gin shops
 - gaming in, 26
 - haunts of vice, 22, 23
 - prostitution in, 24
- illicit sale of spirits among convicts, 199
- Duval, Claud, 143

Education, want of, 41

- creates delinquents, 7

- responsible for many evils, 17

Eighteenth century

- absence of reforms in, 15

- depravity during, 12, 37

- failure of State to deal with crime, 294

- ferocity of the law in, 43, 71–7, 84, 140, 150, 179, 180, 186, 188, 196

- police in, 53–9, 66, 86

- social conditions in, 10, 13–16, 18, 35, 38

- social reform in

- Lecky and, 7

- Parliament and, 6, 43

- statesmen completely negligent, 7, 8

Factory system

- child labour under, 16

- evils ignored by Pitt, 16

- problems caused by, 7

Fairs, moral corruption at, 35

Ferocity of the law, 43, 71–7, 140, 150, 179, 180, 186, 188, 196

- barbary at the pillory and stocks, 150

- effect upon judges and juries, 84

- flogging, 74, 150, 179, 180, 186, 188

- in New South Wales, 179

- Judge Jeffreys, 76

- towards children, 86

Fielding, Henry

- morals of the times, 16

- prevention of vice, 12

Fielding, Henry and John, 16

“Flash-houses,” 24, 26, 28, 34, 46, 58, 86

- gambling in, 29

- necessary evil, 26

Fleet, The—*see* Debtors' prisons.

INDEX

Flogging
in the Services, 74
 New South Wales, 179, 180
 Tasmania, 186, 188
of women, 74, 150
public, 74, 150
Fry, Mrs. Elizabeth
abilities of, 235
achievements, 256
and King of Prussia, 227, 234
death of, 256
diary of, 227, 229, 235, 252
 excessive modesty recorded, 227
division of her labours, 229
early visits to Newgate, 226, 228, 230
 results of, 231, 233, 234, 247
female transportees,
 conditions bettered
 in England, 239, 241
 on voyage, 242
 overseas, 242
 gratitude of, 245
 plight of, 238-41
 temptations of, 241
 visited by Wilberforce, 240
 visits to, 238, 240
helps female forger, 85
inspection of provincial gaols, 243
 Scottish gaols, 244
Jersey, defective prisons of, 254
letters to, of women condemned to death, 231
Lord Sidmouth (Addington) opposes her labours, 242
on capital punishment, 236
on solitary confinement, 253
Parkhurst prison for boys, 255
Prison Discipline Society
 influential support for, 252
public interest in her work, 234, 235, 252
recognition by Lord Melbourne of her efforts, 254
reforms suggested or instituted by
 employment for prisoners, 237
 general, 236, 247, 255
 prison school, 236
 rules for good conduct, 237
royal interest in her work, 227, 234, 243, 255
tribute to John Howard, 228

I N D E X

Fry, Mrs. Elizabeth—*contd.*
visits condemned criminals, 235
welfare of women in London prisons, 255
work amongst female prisoners at Newgate, 110, 229, 245

Gambling, lotteries, 29, 30

Grey, Sir George, transportation of regenerated convicts, 201

Hale, Sir Matthew, sentences witches, 76

Hanging, 140

Highwaymen
boldness of, 39
Claud Duval, 143
Dick Turpin, 134
distressed tradesmen as, 38
Jack Sheppard, 45, 47, 48, 80, 142
obsequies of, 142, 143
origin of, 37, 38
public receptions by, in Newgate, 129
resorts of, 38

Holloway gaol, 127

Howard, John
and bad conditions in gaols, 96
and bridewells, 204, 210, 220
 condition of inmates, 210, 212
 corruption of youth in, 212
and convict hulks, 157, 158
career of his son, 207
children confined with lunatics, 224
conditions in English gaols, 212 *et seq.*, 222
 Chester, 214
 children, 212, 223
 debtors, 212
 Exeter, 214
 Glasgow
 neglect at, 213, 214
 Gloucester, 223
 Irish gaols, drink in, 216
 children and lunatics in, 223, 224
 prisoners in irons, 212
 Southwark, 213
 Warwick, 215
death of, 225
early life, 202
eulogized by Edmund Burke, 208
humility of, 206

INDEX

Howard, John—*contd.*
Fleet, The
drunkenness, fighting and gambling in, 218
Marshalsea, 218
Metropolitan prisons, 218
Millbank penitentiary his suggestion, 250
model penitentiaries, conduct of, 221
neglect of his suggestions deplored by Mrs. Fry, 228
on cells for the condemned, 122
privately owned gaols
awful conditions in, 217
Reading gaol an example to others, 218
reforms suggested by, 203, 219 *et seq.*
visits Continental gaols, 205, 209, 222
cost of, 209, 219
reports on, 209, 210
risks of, 209
some results of, 209, 219

Hulks
abominable conditions in, 157
long detention in before transportation, 160
to relieve overcrowded gaols, 156, 158

Industrial revolution, effect upon working classes, 11

Jack Sheppard, *see* Sheppard
Jurors as witnesses for prosecution, 75
influenced by ferocity of the law, 84

Kidd, Captain, execution of, 139

Macquarie, Governor
encouraged marriage of convicts, 180
Macquarie Harbour, *see* Tasmania
Marshalsea, *see* Debtors' prisons
Meredith, Sir William, 6
Millbank penitentiary, 250
Mohocks, 39

Neglected prison reforms, 228, 229, 230
Neild, James
early investigations, 226
on neglect of reforms instituted by Howard, 228
visits Newgate, 91
Newcastle, Duke of, 9

INDEX

Newgate

- abuse in issue of rations, 106
- behaviour of condemned in, 4, 138
- Black Hole of Calcutta compared with conditions in, 9
- burning at the stake, 144
- children born in, 114
- children in, 108, 109
- Chronicles of Newgate, 8
- classification non-existent, 108, 110
- condemned cell in, 122
- Corporation of London and its condition, 123
and executions, 145
- corruption of gaol staff, 101, 107
- corruption of morals in, 109, 111, 114
no concern of Ordinary, 118
- crimes planned in, 116
- debtors in, 91
- destroyed, 128
- drunkenness in, 114
- executions at, 145
- exorbitant gaol fees, 103
- forgery at, 116
- foul conditions in, 97-9, 117, 120
- gaol fever in, 96, 98
- history of, 94-6
- lack of discipline, 114, 116
- lax administration, 116, -125
- minor reforms in, 124
- Mrs. Fry at, 85, 110, 226, 228-30, 235, 236, 245, 247, 255
- neglect of health of prisoners, 120
- overcrowding, 120, 126
- prisoners in irons, 100
 - immunity by purchase, 107
- prostitutes permitted in, 114
- sale of offices in, 102, 106
- sexes not separated, 108, 110
- spiritual welfare of inmates, 117, 118
 - rowdiness of prisoners in chapel, 119
- State control of, 127
- transportees awaiting passage, 160
- treatment of condemned prisoners in, 121, 130
 - public receptions by condemned highwaymen, 129
- torture in, 72
- women in, 3, 108, 114

Norfolk Island, 166, 171

Parramatta, 184

I N D E X

Oglethorpe, James, reform of debtors' prisons, 225

Parramatta, women at, 184

Peel, Sir Robert
and Mrs. Fry, 255
formation of Metropolitan Police Force, 69
opposition to, 69

Police Act of 1856, 70

Romilly's influence upon, 69

Pentonville prison, 126, 256

Phillip, Capt. Arthur
feared failure of transportation system, 163
first Governor of New South Wales, 160

Pickpockets, 63
violence of, 39
exploited by Jonathan Wild, 65

Pillory and stocks, barbarity at, 150

Pitt the Younger and child labour, 16

Pitt, William (the Elder), 9, 15

Police Act of 1856, 70

Police in eighteenth century
corruption of, 86
fostered crime, 59, 86
institution of Metropolitan Police, 69
system, 53-8
thief takers, 59, 66
Jonathan Wild, 60

Port Arthur, *see* Tasmania

Port Puer, improved system of transportation for boys, 196

Press gang, 1, 3
evil results of system, 2, 3, 40, 82

Prison administration, lack of uniformity in, 251

Prison Discipline Society, 248
activities of, 249, 250, 251
influential support for, 252
opposed by Sidney Smith, 252

Prison reform
evolution of, 256
neglect regarding, 8, 15

Prisoners in irons, 100, 107

Prisons
children in, 33, 108, 109, 111, 224
flogging in, 74
for debtors, 88-91
ironing of prisoners, 100, 107
lunatics in, 224

INDEX

Prisons—*contd.*

 moral conditions in, 109, 111
 torture in, 71–3, 91

Prostitution

 and drink, 23, 24
 exploited by Jonathan Wild and associates, 6;
 in New South Wales, 180
 in Newgate, 114
 parents and, 34
 promiscuous among vagabonds, 32
 wholesale juvenile, 27

Public executions, 5, 81, 129, 131, 148

 burning at the stake, 144
 children on scaffold, 140
 conduct of spectators at, 132, 136 *et seq.*, 194
 demoralizing effect of, 148
 Dick Turpin, 134
 disposal of bodies of executed criminals, 140

 Claud Duval, 143

 Jack Sheppard, 142

 increase of crime favoured by, 144, 148
 number of, 136
 of women, 138, 140, 143
 procedure at Newgate, 145, 146

 Macquarie Harbour, 194

 Tyburn “tree,” 129, 132, 136, 149
 type of spectators, 132, 146

Public exposure of executed, 149

Public flogging of women, 74, 150

Public receptions by condemned highwaymen, 129

Publicans, laxity and corruption in control of, 25–8

Receivers of stolen goods, 30–2

Romilly, Sir Samuel

 Reforms suggested by, 92

 opposed by Lords Eldon and Ellenborough, 93

 Sir Robert Peel influenced by, 69

 work continued by Sir T. Fowell Buxton, 93

Sheppard, Jack, 45, 64, 80

 arrested, 47

 escapes from Newgate, 48

 funeral scenes, 142

 speculation upon treatment of modern prototype, 49

Social conditions of eighteenth century

 bad example of the King, 13

 of upper classes, 16

INDEX

Social conditions of eighteenth century—*contd.*
 evils resulting from, 10
 general profligacy, 35
Mohocks, 39
Robert Walpole's baneful influence, 14, 15
 drinking habits of, 18
 Lecky on, 14

Thief takers, 59, 60, 66

Thieves
 associated with prostitutes, 27
 as sources of income, 26, 34, 64, 66, 68, 86
 encouraged for sake of reward, 58, 67
 immunity of, 40
 not apprehended until the reward was sufficient, 58, 64
 organization of, 25
 providing family income, 34
 receivers of stolen goods, 30, 32
 resorts of, 24, 26
 “flash-houses,” 24, 26, 28, 34, 46, 58, 86
 gambling in, 29
 sanctuary for, 28
 trained by receivers of stolen goods, 30, 31
 young, 26, 31

Transportation, 153 *et seq.*
 abandoned, 200
 corrupting to convict and colonist, 200
 defeated its own ends, 193, 200
 how system could have been improved, 193
 improved system for boys, Port Puer, 196
 welcomed by labourers, 184
Norfolk Island, 166, 171, 184
object of, 153
replaced by penal servitude, 200
system improved, 178

Tasmania
 Hobart Town, conditions in 1836, 200
 Macquarie Harbour, 187
 cannibalism among escaped convicts, 188 *et seq.*
 cruel punishments at, 187
 executions at, 194
 murders at, 194
 tyranny of older convicts over others, 195

Port Arthur
 corruption of boys at, 195
 incorrigibles mixed with petty offenders, 194

I N D E X

Transportation, Tasmania: Port Arthur—*contd.*
 juvenile prostitution at, 195
 punishments at, 195, 196
Van Dieman's Land, 185
 assignment virtual slavery, 186
 corruption of women, 186
 of youth, 185
 excessive number of executions, 187
 punishment
 escape to avoid its great severity, 187
 frequency of, 188
 more rigorous than on mainland, 187
useless as means of reformation, 160, 195, 199
voyages
 conditions prevailing in transports, 161, 167, 169, 173, 177
 corruption of women during, 173
 on arrival in New South Wales, 174, 176
 punishments during, 168
welcomed by convicts, 159

Transportees
absconding, 183
all degrees of criminals, 193
at Botany Bay
 assignment of convicts, 172
 depravity of female convicts, 198
 domestic servants assigned to families, 198
 evil results of, 172
 plight of assigned women, 173, 181, 196, 197
behaviour of convicts at, 162
convict settlers, 170
corruption of children, 196, 199
good settlers needed, 171
immorality of convicts and soldiers, 165, 174, 184
increase of crime at, 166
lack of supplies for convicts, 197
awaiting passage in hulks, 156
classification of, 182
complete moral corruption of, 196
concubines permitted, 196
contractors' profits from, 155, 156, 168
drinking dens, 199
general conditions of, 183
general conduct in New South Wales, 197
harsh punishments, 166, 179–82, 186, 196
ill health of, 167
in America, 155, 156

INDEX

Transportees—*contd.*

New South Wales, 158
 administration at, 164
 arrival at Botany Bay, 162
 first settlement, 160, 162
 numbers sent out, 164, 176, 178
 shortage of rations at, 164
juvenile prostitution amongst, 195
long detention prior to shipment, 124, 160
marriages between, 180, 184, 198
moral reform impossible, 182, 193
nature of employment, 178
not accepted as colonists, 201
prey of Jonathan Wild, 64
sale of, 155
thefts by convicts, 197
ticket-of-leave men, 184, 186
treatment of delinquents, 49
Borstal system, 51, 272, 277–80, 293
Turpin, Dick, 134
Tyburn “tree,” 129, 132, 136, 149

Uniformity, lack of in prison administration, 251

Vagabonds

 children as, 33
 depravity among, 34
 scandalous condition of, 32

Wilberforce visits convict hulks with Mrs. Fry, 240
Wild, Jonathan, 46, 60
 arrests Jack Sheppard, 47
 career and methods of, 60–7
 executed, 67
 victims of, 64
Witchcraft, 76



